

IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE.  
W/S N. Rolling Rd, 280 ft. N. of \* ZONING COMMISSIONER  
Beverly Road  
1st Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District  
303 N. Rolling Road Partnership \* Case No. 96-507-XA  
Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance for the property known as 303 N. Rolling Road in the Catonsville section of Baltimore County. The Petitions are filed by the owner of the property, 303 N. Rolling Road Partnership, through Matt Decker, General Partner. The Petitioner seeks a special exception approval for a Class B Assisted Living Facility (ALF), to house a maximum of 15 seniors at the subject property. Variance relief is requested from Sections 1B01.1.B.1.e(2),(3), and (5) of the Baltimore County Zoning Regulations (BCZR) to permit a 68 ft. front yard setback for a structure in lieu of the required 75 ft.; to permit a 58 ft. side yard setback for a structure in lieu of the required 75 ft.; to allow a parking/maneuvering area as close as 21 ft. in lieu of the required 50 ft. buffer and 75 ft. setback; and to allow a building height of 40 ft. in lieu of 35 ft. for a building within the 100 ft. residential transition area. An amendment to the variance petition was offered at the hearing to include a request for a variance for a sign, 30 inches by 18 inches in area, in lieu of the 2 sq. ft. maximum. All of the requested relief and subject property is more particularly shown on Petitioner's Exhibit No. 4, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case were Rick Ainsworth, part owner, operator and manager of the proposed Assisted Living

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Facility's day to day activities, and Theresa Adams, an architect, who prepared the site plan. Also present were Matt Decker and Margaret Decker, Developers. Michael Gisriel, Esquire represented the Petitioner.

Appearing at the hearing on behalf of the Protestants were a number of concerned citizens who live in close proximity to the facility. Fred Cascio and Kirby Spencer volunteered to serve as spokespersons on behalf of the Protestants.

Testimony and evidence revealed that the subject property consists of 1.0031 acres, more or less, and is zoned D.R.2. The property is located between Route 40 and Edmondson Avenue, on North Rolling Road in Catonsville. The site features an older dwelling which most recently was used as a rental property containing five apartments and one office. The dwelling was remodeled 10 months ago so as to better accommodate its intended occupants.

The Petitioner proposes a Class B Assisted Living Facility which is intended to house up to a maximum of 15 seniors. The Petitioner produced testimony and evidence which demonstrated the need for Assisted Living Facilities in the Catonsville area as well as Baltimore County in general. Presently the facility in question is licensed to house, and does house, three (3) residents. An addition necessary to allow the facility to house 15 residents, each having their own room, has been completed.

The Petitioner also produced evidence as to the condition and aesthetics of the subject property both prior to and after renovation. Before the renovations had taken place, the property was in a state of disrepair as evidenced by the photographs of the exterior of the dwelling submitted at the hearing. Presently, after the renovations, the property's appearance has been upgraded and enhanced and is more appropriate with the neighborhood.

Approval of the special exception should be granted so long as the proposed use would not be detrimental to the health, safety and general welfare of the surrounding locale in accordance with the standards set forth in Section 502.1 of the BCZR. As to that Petition, I am persuaded that same should be granted. The evidence presented was persuasive that the use of the property as an Assisted Living Facility housing up to 15 residents will not be detrimental to the health, safety and/or general welfare of the community. There is no evidence that the use will adversely impact neighboring properties, unduly tax public utilities, cause adverse environmental impact or, otherwise, negatively impact the community. To the contrary, it is likely that the proposed use represents an improvement to the property and will be a positive effect on the area. Even the Protestants who appeared conceded that this is an appropriate use for the site.

Variance relief can be granted upon compliance with the provisions of Section 307 of the BCZR. That section requires that the Petitioner demonstrate that a practical difficulty would exist if the requested variance relief were denied. Moreover, the Petitioner must demonstrate that the property contains some unique characteristic which justifies the granting of the variance. Lastly, the variance can only be granted so as to be consistent with the spirit and intent of the regulations and without detriment to the surrounding locale.

It is first to be noted that three of the four variance requests relate to the original building. This structure is an older building, approximately 80 years in age, and was constructed prior to the adoption of the zoning regulations in Baltimore County. The change in use of the structure, from residential to the Assisted Living Facility, mandates the variance requests. Two of the variances seek legitimization of the location of the existing building on the lot; i.e., 68 ft. from the front

property line and 58 ft. from the side property line, in lieu of the required 75 ft. The third variance sought is for the height of the existing building, and the addition attached thereto. The fourth variance sought relates to the parking lot in the rear of the property relative to its location to the Residential Transition Area (RTA).

Without the granting of the variance relief requested, not only would a five feet need be trimmed from the top of the roof of the building, but also the front and side of this historic dwelling would be altered in an effort to increase the setbacks..

The Protestants, apparently, do not realize that the addition has no significant effect on the Petitioner's need for these variances. It is not the addition which has made the variance relief required, but the change of use from a rental property to an Assisted Living Facility.

The unique characteristics found for this property is the age of the structure and that same predates the zoning regulation. Consequently, it lacks the necessary setbacks that the BCZR mandates. Thus, without the granting of variance relief the building would be illegal with or without the addition. In my judgment, the required alteration of the building to bring same into compliance with the regulations imposes a practical difficulty upon the property owner. Moreover, as noted above, in considering the special exception, the structure's location and use cause no detriment to the surrounding locale.

The Protestants' chief concern is that the Petitioner failed to follow proper procedures while renovating the structure. This concern, based upon the evidence offered, is legitimate. Specifically, testimony presented by Hunter Rowe, an employee with Baltimore County's Office of Permits and Development Management, was that the appropriate permits were not obtained for construction of the addition to the building and renovation of same.



Though this is not a determinative factor weighed when considering the Petitions, it should be noted that such disrespect for the procedures and processes governing such development, whether intentional or not, is grossly improper. These rules were designed to be followed, not circumvented, by developers trying to short-cut the community. Even though the actions of the Petitioner may have been inconsistent with the procedures governing the development of this site, these actions do not directly bear on the issues before me.

In any event, for the reasons set forth above, I will grant the Petitions for Special Exception and Variance. As stated above, I believe that the proposed use complies with Section 502.1 of the BCZR. Thus, the Petition for Special Exception should be granted. I also find that the Petition for Variance should be granted and that the Petitioner has complied with the requirements of Section 307 of the BCZR and the case law.

Notwithstanding the grant of this relief, I will condition same pursuant to the authority conferred upon me by the Baltimore County Code and the BCZR. Those statutes allow the Zoning Commissioner to impose reasonable restrictions on the grant of the special exception and/or variance relief.

First, I will prohibit any elderly residents of the Assisted Living Facility from owning/parking an automobile on the site. Although this is unlikely, the parking area is large enough to accommodate only employees and visitors. Thus, no residents shall keep a personal vehicle on the site.

Second, I will require that the Petitioner obtain any and all permits required by County law for all improvements/renovations to the property, whether same have been completed and/or remain necessary. The Petitioner's previous acts are not condoned, and it is the intent of this restriction to allow the County's inspectors an opportunity to examine and review the work completed and to ensure that same is in a workmanlike manner and in compli-

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ance with the applicable building codes. No additional residents shall be permitted until the requisite permits and approvals have been obtained.

Finally, it is to be noted that the subject lot was part of a larger tract which is presently being developed. In this regard, the Petitioner obtained development plan approval for the overall tract by way of the Order of the Deputy Zoning Commissioner, Timothy M. Kotroco on April 6, 1995. Recently, on July 11, 1996 the Development Review Committee (DRC) approved a modification to the development plan approved in that case. Obviously, all development of the subject lot and the overall tract must be in accordance with Mr. Kotroco's Order, as modified by the DRC.

Finally, as noted above, the Petitioner requested an additional variance at the hearing for signage. Specifically, relief was sought to allow a sign for the Assisted Living Facility to be slightly larger than permitted by regulation. I decline to consider this variance at this time. The variances requested within the Petition do not relate to signage and this is a new issue. It has not been subject for review by the member agencies of the Zoning Plans Advisory Committee which evaluates all zoning petitions. For that reason, I will not consider the requested amendment and will not approve such a variance. The Petitioner must file another Petition to obtain this relief.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 31<sup>st</sup> day of July, 1996 that, pursuant to the Petition for Special Exception, approval of a Class B Assisted Living Facility at the property known as 303 N. Rolling Road, be and is hereby GRANTED; and,

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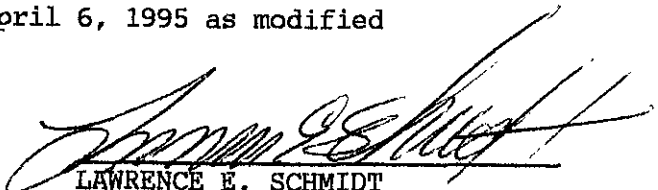
IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.e(2,)(3) and (5) of the BCZR to permit a 68 ft. setback for structure in lieu of the required 75 ft.; a 58 ft. setback for structure in lieu of the required 75 ft. setback; a parking/maneuvering area as close as indicated on the site plan; and a building height of 40 ft. in lieu of 35 ft. within the 100 ft. transition area, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow any of the residents of the facility to keep an automobile on the property.

3. The Petitioner must obtain, retroactively, and/or prospectively, all permits necessary for completed and/or proposed improvements/renovations to the property as outlined hereinabove.

4. All development of the subject lot and tract shall be in accordance with the Order and plan approved by the Deputy Zoning Commissioner, Timothy M. Kotroco, on April 6, 1995 as modified by the DRC.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

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CIRCUIT COURT FOR BALTIMORE COUNTY  
 Suzanne Mensh  
 Clerk of the Circuit Court  
 County Courts Building  
 401 Bosley Avenue  
 P.O. Box 6754  
 Towson, MD 21285-6754  
 (410)-887-2601, TTY for Deaf: (800)-735-2258  
 Maryland Toll Free Number (800) 938-5802

11/02/99

Case Number: 03-C-97-006654 AE  
 Date Filed: 07/03/1997  
 Status: Closed/Active  
 Judge Assigned: To Be Assigned,

In The Matter of: 303 N Rolling Road Partnership

**C A S E   H I S T O R Y**

**OTHER REFERENCE NUMBERS**

Description	Number
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Case Folder ID	C97006654V01
Administrative Agency	CBA-96-507-XA

**INVOLVED PARTIES**

Type	Num	Name(Last,First,Mid,Title)	Disposition	Addr	Start/End	Entered
-----						
PET	001	303 N Rolling Road Partnership	CT DO	05/27/98	07/03/97	
		Capacity : A Maryland General Partnership				
		Mail: 303 N Rolling Road		07/03/97		
		Catonsville, MD 21228				
		Serve On: Att: Mr Rick Ainsworth/General Partner				
Attorney:	0012391	Gisriel, Michael		07/03/97		
		Foard & Gisriel, L.L.C.				
		15 E Cheasapeake Avenue				
		Baltimore, MD 21286				
		(410)296-1440				
	0011572	Decker, Michael K		04/06/99		
		305 N Rolling Road				
		Catonsville, MD 21228				
		(410)747-1996				

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## DBA Parkside Assisted Living Facility.

Type Num	Name(Last,First,Mid,Title)	Disposition Addr Start/End	Entered
ITP 001	County Board Of Appeals Of Baltimore County Mail: 400 Washington Ave Room 49 Towson, MD 21204	CT DO 05/27/98 07/03/97	07/03/97
ITP 002	Baltimore County Zoning Commissioner Mail: 400 Washington Ave Room 405 Towson, MD 21204	CT DO 05/27/98 07/03/97	07/03/97
ITP 003	Peoples Counsel For Baltimore Co Attorney. 0005744 Demilio, Carole Deputy People's Counsel For Baltimore County Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188  0029075 Zimmerman, Peter M People's Counsel For Baltimore County Room 47 Courthouse 400 Washington Ave Towson, MD 21204 (410)887-2188	CT DO 05/27/98 07/21/97      07/21/97	07/21/97
ITP 004	Cascio, Frederick B Mail: 217 N Rolling Road Catonsville, MD 21228	CT DO 05/27/98 07/25/97	07/25/97
ITP 005	Spencer, Kirby Mail: 11 N Beechwood Avenue Catonsville, MD 21228	CT DO 05/27/98 07/25/97	07/25/97
ITP 006	Schwaab, Valerie Mail: 118 Oakdale Avenue Catonsville, MD 21228	CT DO 05/27/98 07/25/97	07/25/97
ITP 007	Brennan, Chris Mail: 102 Rosewood Avenue Catonsville, MD 21228	CT DO 05/27/98 07/25/97	07/25/97
ITP 008	Sidlowski, Cathy Mail: 1301 Summit Avenue Catonsville, MD 21228	CT DO 05/27/98 07/25/97	07/25/97
ITP 009	Flynn, Edward Mail: 130 Oakdale Avenue Catonsville, MD 21228	CT DO 05/27/98 07/25/97	07/25/97

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**CALENDAR EVENTS**

Date	Time	Dur	Cer	Evnt	Lvl	Atty	Jdg	Day	Of	Rslt	By	ResultDt	Jdg	T	Notice	Rec	User	ID
08/25/97	01:30P	02Q	yes	MOTN		TBA	01	/01	VAC	C		07/25/97		P	07/22/97		BK	BK
10/17/97	09:30A	03Q	yes	MOTN		TBA	01	/01	CON	C		10/17/97	BEC	P		Y	BK	EL
Stenographer(s) Patricia A. Cirasole																		
01/21/98	09:30A	01H	yes	CIVI		TBA	01	/01	RES	C		12/18/97		P			JD	LLH
04/29/98	09:30A	01H	yes	CIVI		ALB	01	/01						P			JD	LLH
09/01/98	09:30A	06H	yes	CITR		ALB	01	/01	RES	C		08/12/98		P			PB	TS
09/15/98	09:30A	01H	yes	MOTN		ALB	01	/01	CON	C		09/15/98	ALB	P		Y	TS	KFM
Stenographer(s) Patricia M. Campbell																		
04/13/99	09:30A	01H	yes	MOTN		ALB	01	/01	POS	C		04/08/99	ALB	P			FG	LLH
06/08/99	09:30A	02Q	yes	MOTN		JGT	01	/01	CON	C		06/08/99	JGT	P		Y	LLH	KFM
Stenographer(s) Barbara Ely																		

**JUDGE HISTORY**

JUDGE ASSIGNED	Type	Assign	Date	Removal	RSN
TBA To Be Assigned,	J		07/03/97		

**DOCUMENT TRACKING**

Num/Seq	Description	Filed	Entered	Party	Jdg	Ruling	Closed	User	ID
0001000	Petition for Judicial Review w/ Request for Hearing	07/03/97	07/03/97	PET001	TBA		05/27/98	DR	PH
0001001	Answer	07/18/97	07/21/97	ITP003	TBA		05/27/98	CB	PH
0001002	Answer in Proper Person** Filed by ITP004-Cascio, Frederick B, ITP005-Spencer, Kirby, ITP006-Schwaab, Valerie, ITP007-Brennan, Chris, ITP008-Sidlowski, Cathy, ITP009-Flynn, Edward	07/24/97	07/25/97	ITP004	TBA		05/27/98	CB	PH
0001003	Final Memorandum in Support **	04/03/98	04/27/98	PET001	TBA		05/27/98	SD	PH
0002000	Motion to Stay	07/03/97	07/03/97	PET001	BEC	Granted	07/25/97	DR	PH
0002001	Answer	07/18/97	07/21/97	ITP003	TBA		05/27/98	CB	PH

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Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0003000	Request for Hearing	07/03/97	07/03/97	PET001	TBA	05/27/98	DR PH
0004000	Certificate of Notice	07/14/97	07/15/97	ITP001	TBA	05/27/98	JH PH
0005000	Hearing Notice	07/22/97	07/22/97	000	TBA	07/22/97	BK BK
0006000	Hearing Notice	07/25/97	07/25/97	PET001	TBA	07/25/97	BK BK
0007000	Hearing Notice	07/25/97	07/25/97	ITP003	TBA	07/25/97	BK BK
0008000	Motion To Reconsider Order For Stay	08/01/97	08/05/97	ITP003	TBA	05/27/98	CB PH
0009000	*Motion To Reconsider Order For Stay Filed by ITP008-Sidlowski, Cathy, ITP005-Spencer, Kirby, ITP007-Brennan, Chris, ITP009-Flynn, Edward, ITP006-Schwaab, Valerie, ITP004-Cascio, Frederick B	08/13/97	08/15/97	ITP008	TBA	05/27/98	CB PH
0010000	*Transcript of Record from Adm Agency	09/04/97	09/05/97	000	TBA	05/27/98	CB PH
0011000	*Notice - Recpt of Record of Proceedings	09/04/97	09/05/97	000	TBA	05/27/98	CB PH
0012000	Notice of Appeal Sent	09/05/97	09/05/97	ITP001	TBA	09/05/97	CB CB
0013000	Notice of Appeal Sent	09/05/97	09/05/97	ITP002	TBA	09/05/97	CB CB
0014000	Notice of Appeal Sent	09/05/97	09/05/97	ITP003	TBA	09/05/97	CB CB
0015000	Notice of Appeal Sent	09/05/97	09/05/97	ITP004	TBA	09/05/97	CB CB
0016000	Notice of Appeal Sent	09/05/97	09/05/97	ITP005	TBA	09/05/97	CB CB
0017000	Notice of Appeal Sent	09/05/97	09/05/97	ITP006	TBA	09/05/97	CB CB
0018000	Notice of Appeal Sent	09/05/97	09/05/97	ITP007	TBA	09/05/97	CB CB
0019000	Notice of Appeal Sent	09/05/97	09/05/97	ITP008	TBA	09/05/97	CB CB
0020000	Notice of Appeal Sent	09/05/97	09/05/97	ITP009	TBA	09/05/97	CB CB
0021000	Notice of Appeal Sent	09/05/97	09/05/97	PET001	TBA	09/05/97	CB CB
0022000	Memorandum In Support Of Continuing Stay Order, exhibit	10/06/97	10/06/97	PET001	TBA	10/06/97	JH JH
0023000	Memorandum In Support Of Removing Stay Order Filed by ITP005-Spencer, Kirby, ITP004-Cascio, Frederick B, ITP007-Brennan, Chris, ITP008-Sidlowski, Cathy, ITP009-Flynn, Edward	10/09/97	10/09/97	ITP005	TBA	10/09/97	SD SD

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Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0023001	Answer	10/09/97	10/10/97	ITP003	TBA	05/27/98	PA PH
0024000	Scheduling Order	10/17/97	10/17/97	000	TBA	10/17/97	JD JD
0025000	Open Court Proceeding October 17, 1997 Hon. Robert E. Cadigan Hearing had. Protestants Motion to Reconsider Order for Stay (paper #9000) - Denied. Order to be filed.	10/17/97	10/17/97	000	BEC	05/27/98	EL PH
0026000	Order staying proceedings	10/28/97	10/28/97	000	BEC Granted	10/28/97	PH PH
0027000	Memorandum In Support of Petitioner's ** Petition For Judicial Review of the Decision of the County Board of Appeal Decision Dated June 4, 1997	10/31/97	11/03/97	PET001	TBA	11/03/97	SD SD
0028000	Amended Order to Stay case	11/03/97	11/03/97	000	BEC Granted	11/03/97	PH PH
0029000	Memorandum *	11/25/97	11/26/97	ITP003	TBA	11/26/97	DFD DFF
0030000	Notice of Postponed Trial Issued	12/18/97	12/18/97	000	TBA	12/18/97	JD JD
0031000	Protestant's Memorandum in support of affirming the county board of appeal's decision dated 6-4-97	12/31/97	01/02/98	ITP004	TBA	01/02/98	SD SD
0032000	Opinion of the Court affirming decision	05/27/98	05/27/98	000	ALB Granted	05/27/98	PH PH
0033000	sent docket entries to Board of Appeals	06/12/98	06/12/98	000	TBA		LC LC
0034000	Motion for Stay Pending Appeal	06/22/98	06/23/98	PET001	JGT Denied	07/13/98	DR PH
0034001	Answer with Request for Hearing	07/02/98	07/06/98	ITP003	TBA		DR DR
0035000	Request for Hearing/Motion for Stay Pending Appeal	06/22/98	06/23/98	PET001	TBA		DR DR
0035001	Answer To Motion For Stay exhibit. Filed by ITP007-Brennan, Chris. ITP008-Sidlowski, Cathy, ITP009-Flynn, Edward	07/07/98	07/08/98	ITP007	TBA		JH JH
0036000	Ruling from Judge Turnbull Motion to Stay, Denied. Petitioner may refer request to Court of Special Appeals. Notices sent	07/13/98	07/13/98	000	JGT		PH PH
0037000	Notice of Appeal to COSA or COA (9/224)	06/22/98	07/21/98	PET001	TBA		DR DR
0038000	Pre Trial Hearing Letter Issued	07/21/98	07/21/98	000	TBA	07/21/98	AJ MR
0039000	Open Court Proceeding Sept. 15, 1998 Hon Alfred L. Brennan, Sr. Hearing had in re	09/15/98	09/15/98	000	ALB		KFM KFM

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Petitioner's Motion to Stay-Denied. Court recommends counsel come to agreement on issues and file Order with the Court within two weeks

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0040000	Order from the COSA to proceed without** a prehearing conference (Judge Eyler)	09/15/98	09/16/98	000	TBA	09/16/98	PH PH
0041000	Order to stay proceedings	10/01/98	10/01/98	000	ALB Denied	10/01/98	PH PH
0042000	Original Record sent to COSA OF MARYLAND BY CERTIFIED MAIL ON 11-10-98 WITH 1 TRANSCRIPT AND EXHIBITS FROM BOX 28.	11/09/98	11/09/98	000	TBA		CC CC
0043000	*Petitioner's Motion to Stay (of fines and restrictions pending trsf to Class A-Assisted Living Facility)	02/05/99	02/08/99	PET001	ALB Granted	02/17/99	DR DR
0043001	Answer Filed by ITP004-Cascio, Frederick B, ITP005-Spencer, Kirby, ITP007-Brennan, Chris, ITP008-Sidlowski, Cathy	02/16/99	02/17/99	ITP004	TBA		SD SD
0043002	Answer with Request for Hearing **	02/17/99	02/18/99	ITP003	TBA		SD SD
0044000	Motion to Dissolve Stay entered 02/16/99 by Judge Brennan	03/04/99	03/05/99	ITP003	TBA		DR DR
0045000	Request for Hearing/Motion to Dissolve Stay	03/04/99	03/05/99	ITP003	TBA		DR DR
0046000	Motion to Strike Pleadings and Sanctions against Frederick Cascio	04/05/99	04/06/99	PET001	TBA		DR DR
0046001	Answer (NO DCM)	04/16/99	04/20/99	ITP004	TBA		DFD DFD
0047000	*Motion to Strike, or Answer to, Petitioners Motion for Continuance	04/07/99	04/08/99	ITP003	TBA		DR DR
0048000	Mandate from the COSA dismissing Appeal	04/15/99	04/15/99	000	TBA		PH PH
0049000	Motion to Dismiss (No DCM)	04/16/99	04/20/99	ITP004	TBA		DFD DFD
0050000	Open Court Proceeding June 8, 1999. Hon. John Grason Turnbull, II Hearing had in re Motion to Dissolve Stay (P#44000)-Granted. Order of Feb. 16, 1999 (P#43000A) is Stricken.	06/08/99	06/08/99	000	JGT		KFM KFM

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**TICKLE**

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1YRT	One Year Tickle (Jud	CLOSED	07/03/98	365	no	no	DAAA	D	000	000
SLMR	Set List For Motions	CANCEL	07/25/97	22	no	no	SLMM	T	000	000
SLMM	Set List Motions Mar	DONE	03/28/00	999	yes	yes	DANS	D	000	000
SLMH	Set List For Motions	CANCEL	07/18/97	0	no	no	SLMM	T	000	000
SLMR	Set List For Motions	CANCEL	09/06/97	36	no	no	MMOT	D	000	000
SLTR	Set List For Trial	DONE	09/04/97	0	yes	yes	DTRA	D	010	000
SLIL	Set List - Informati	CANCEL	10/28/97	0	no	no	DOSP	D	026	000
EXPU	Exhibit Pickup Notic	OPEN	07/26/98	30	no	no			000	000
SLMR	Set List For Motions	CANCEL	07/14/98	22	no	no	SLMM	T	000	000
SLMM	Set List Motions Mar	DONE	03/17/01	999	yes	yes	DARH	D	000	000
SLMH	Set List For Motions	CANCEL	07/02/98	0	no	no	SLMM	T	000	000
SLMH	Set List For Motions	CANCEL	03/26/99	0	no	no	SLMM	T	000	000
SLMR	Set List For Motions	CANCEL	02/27/99	22	no	no	DANS	D	000	000
SLMM	Set List Motions Mar	DONE	11/12/01	999	yes	yes	DARH	D	000	000
SLMR	Set List For Motions	DONE	03/26/99	22	no	yes	MMOT	D	000	000
SLMR	Set List For Motions	CANCEL	04/27/99	22	no	no	DANS	D	000	000
SLMR	Set List For Motions	CANCEL	05/12/99	35	no	no	MDIS	D	000	000
SLTR	Set List For Trial	CANCEL	04/08/99	0	yes	no	MOTN	S	000	000

**EXHIBITS**

Line #	Marked	Code	Description	Sph	Sloc	NoticeDt	Disp Dt	Dis By
000		ITP 001	County Board Of Appeals Of Ba					
		B	RETURNED CBA TRANS					

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**DIFFERENTIATED CASE MANAGEMENT**

**TRACKS AND MILESTONES**

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes  
Assign Date: 10/17/97 Order Date : 10/17/97  
Start Date : 10/17/97 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(	11/01/97	05/27/98	CLOSED	
All Motions (excluding Motions in Limine	12/12/97	05/27/98	CLOSED	
TRIAL DATE is	04/29/98	01/15/98	05/27/98	CLOSED

MICROFILMED

2 112-451  
Re: In the Matter of  
303 N. ROLLING ROAD PARTNERSHIP

Petitioner

For Judicial Review of the  
Decision of the Circuit Court  
of Baltimore County

\* In the  
\* Circuit Court  
\* For  
\* Baltimore County

\* Docket No: C97-6654  
\*

\* \* \* \* \*

**ORDER FOR STAY**

Petitioners's, 303 N. Rolling Road Partnership, Motion For Stay is hereby  
**GRANTED;**

Dated this 16<sup>th</sup> day of Feb 1999.

Alfred L. Brennan  
JUDGE

Copies furnished to:

Michael K. Decker, Esquire  
305 N. Rolling Road  
Catonsville, Maryland 21228

Peter M. Zimmerman, Esquire  
People's Counsel  
400 Washington Avenue  
Towson, Maryland 21204

**FILED** FEB 17 1999

RECEIVED  
COUNTY CLERK OF BALTIMORE  
99 FEB 18 PM 4:45

**True Conv Test**

SUITABLE

Jean Hunter Per  
Assistant Clerk

MICROFILMED

PDM-  
A. SARKIS  
6-26-98

10/9/98  
JO WCR  
for zoning  
file

6-507-XA /303 N. Rolling Rd Ptsp  
Ct AFFIRMS CBA  
5/27/98 -(Alfred L. Brennan Sr. J)

Re: In the Matter of  
303 N. Rolling Road Partnership,  
Petitioner

For Judicial Review of the  
decision of the County Board of  
Appeals of Baltimore County

\* IN THE  
\* CIRCUIT COURT  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No.: C97-6654

98OCT-6 PM 4:40  
CCTV 100-1000

\* \* \* \* \*

OPINION

This case was before this Court on April 29, 1998 on appeal from the Baltimore County Board of Appeals decision, dated June 4, 1997. Petitioners, 303 N. Rolling Road Partnership, Rick Ainsworth and Matt Decker, were represented at this hearing by Michael Gisriel. Respondents, People's Counsel of Baltimore and Protestants (citizens of Baltimore County), were represented by Peter Zimmerman.

CASE HISTORY

In 1994, 303 N. Rolling Road Partnership was formed by Mr. Decker of The Decker Group, Developer and Richard Ainsworth, a 50% owner of Parkside and Assisted Living Facility operator.

In January 1995, the Partnership began to renovate the property and advertised for "Parkside Assisted Living" to house 15 residents. In order to house 15 residents, the Partnership was required, under Baltimore County Zoning Regulations (BCZR)

Section 432.5, to acquire a Class B special exception permit.

That is, an expansion of the property by less than 25% required a Class A permit, but for an expansion of more than 25%, a Class B Permit is necessary.

In December 1995, the Partnership sought and obtained a Class A use permit for an assisted living facility, to house eight (8) residents on .74 acres. No objection was voiced from the community or neighbors at that time. After having retained the Class A use permit, Petitioners began construction of a building addition of the site, but without a building permit and without having notified other County authorities who had issued the Class A permit. Petitioners later applied for, and retained a building permit. This permit was obtained by Petitioners, based on their assertion that the building was used as a single-family home, not as an assisted living facility. The building permit obtained allowed for a one-story addition with a basement.

On June 10, 1996, the Class A use permit was rescinded by the Baltimore County Zoning office, because a large, three-story addition had been built on the existing building, exceeding the scope of the Class A permit.

On July 1, 1996, a Petition, filed by the Partnership for a Class B use permit with four (4) variances and a special

exception, was granted, but with certain restrictions. That is, Petitioners were told that they could proceed at their own risk, pending appeal. The four variances requested by Petitioners were:

1) a 68 foot front setback from the property boundary, rather than 75 feet as required,

2) a 58 foot side yard setback, rather than the required 75 feet,

3) a 40 foot building height, rather than the 35 feet maximum, as required within the 100-foot residential transition area, and

4) a parking lot area 67 feet from the side yard boundary line and 21 feet from the rear yard boundary, rather than 75 feet away, as required.

On August 28, 1996, a group of citizens appealed the Zoning Commission decision, dated July 31, 1996, arguing that it was arbitrary, capricious and legally flawed.

On April 17, 1997, the County Board of Appeals heard this case de novo. On June 4, 1997, the Board denied Petitioners' variance and special exception requests.

On October 28, 1997 Petitioners' Motion to Stay Order was granted, staying the imposition of the Board's ruling until 31 days after a final order of this Court was entered.

On November 3, 1997 Petitioner's Amended Stay Order was granted. That is, the County Board of Appeals order, dated June 4, 1997, was stayed until a final order was entered by this Court regarding Petitioner's Petition for Judicial Review. This stay allowed the 15 residents of the subject Assisted Living Facility to remain residents of said property during the period of the stay.

#### CONCLUSIONS OF LAW

Petitioners (303 Rolling Road Partnership) applied for four (4) variances and a special exception to expand an existing Class A Assisted Living Facility to a Class B. The applications were applied for only after the expansion had been substantially completed. These actions demonstrate Petitioners' general disregard of the review process, as set forth by the Zoning Commission requirements.

On July 31, 1996, the Zoning Commissioner granted the requested variances and special exception with certain restrictions. It was necessary for Petitioners to apply for the special exceptions, in order to have been permitted to have a Class B assisted living facility on the instant site. A Class B use permit places certain site restrictions in the creation of a residential transition area, as well as setbacks on the property



that are greater than the Class A permit.

Petitioners, when their petition for the Class B permit was granted, were told that they could proceed at their own risk, pending appeal.

The Baltimore County Zoning Regulation, section 307.1, allows the commission to grant variances, as were granted in this situation. However, such variances are only to be granted in cases "where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship." (See BCZR, section 307.1).

The County Board of Appeals decision, dated June 4, 1997, ordered that Petitioner's petition for variances, as well as for the special exception for a Class B use permit, be denied.

The Board noted that there were four or five similar buildings on N. Rolling Road, in the vicinity of the property at issue here. The structure on Petitioners' property predates the Baltimore County Zoning Regulations. However, several of the other houses in the same zone are similar in nature. Therefore, the property at issue was not unique. In order to be deemed "unique" a property has to have some inherent characteristic not

shared by other properties. (Cromwell v. Ward, 102 Md.App. 691(1995). Uniqueness is recognized as an exception to the zoning commission. According to Cromwell, a failure to prove uniqueness can result in stopping any examination as to exceptions at that point. However, the Board went further in reviewing the property at issue in this case, looking at whether strict compliance with the zoning regulations results in practical difficulty or unreasonable hardship for the Petitioners.

Evidence presented both by Petitioners and Protestants in this case demonstrates Petitioners' general disregard for the review process.

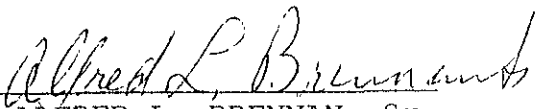
Petitioners have stated that the building owned by 303 N. Rolling Road Partnership is used for a residential, rather than commercial use, and therefore the Board's decision is flawed. This assertion is erroneous. The property at issue in this case is used as an Assisted Living Facility. Petitioners's counsel proffered to this Court that Petitioners receive payments of \$2500.00 per resident of the facility per month. These transactions amount to commercial transactions. Therefore, the property is commercial in nature.

Petitioners' actions in modifying the instant site from a residence to a Class A Assisted Living Facility to a Class B

Assisted Living Facility were of their own accord, in disregard of any County authority. These actions by Petitioners resulted in the need for the requested variances. As noted by the Board, a "self-imposed hardship cannot be seen as an unreasonable one." (See County Board of Appeals decision, dated June 4, 1997, page 7).


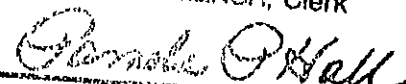
Petitioners have failed to demonstrate any meritorious exceptions to the Baltimore County Board of Appeals decision, dated July 4, 1996. Accordingly, it is hereby

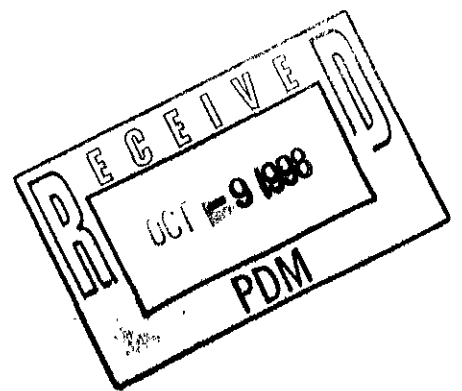
ORDERED that the Baltimore County Board of Appeals decision, dated July 4, 1996 is affirmed.

  
ALFRED L. BRENNAN, Sr.

May 26, 1998

Madame Clerk: Please send copies to  
Michael Gisriel  
Peter Zimmerman

  
**True Copy Test**  
• SUZANNE MENSCH, Clerk  
Per   
Assistant Clerk



IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF  
303 N. ROLLING ROAD PARTNERSHIP  
"PARKSIDE ASSISTED LIVING  
FACILITY" (A MARYLAND GENERAL  
PARTNERSHIP)  
303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: MR. RICK AINSWORTH,  
GENERAL PARTNER

Civil Action No.: 3-C-97-006654

PETITIONER

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY  
BOARD OF APPEALS OF  
BALTIMORE COUNTY  
CASE NO. CBA-96-507-XA  
DATED JUNE 4, 1997 OVERTURNING  
THE JULY 31, 1996 DECISION OF THE  
BALTIMORE COUNTY ZONING  
COMMISSIONER BY DENYING THE  
PETITION FOR SPECIAL EXCEPTIONS  
FOR A CLASS B ASSISTED LIVING  
FACILITY (ALF) AT THE SUBJECT  
PROPERTY AND ALSO DENYING THE  
PETITION FOR CERTAIN VARIANCES  
PERTAINING THERETO

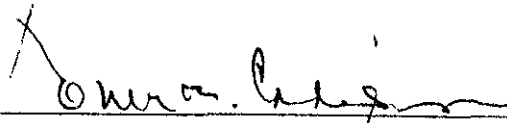
**STAY ORDER**

Upon consideration of the Petitioner's foregoing Motion for Stay and after a Hearing held  
by this Honorable Court on same on October 17, 1997, it is this 27<sup>th</sup> day of  
October, 1997, by the Circuit Court for Baltimore County

FILED OCT 28 1997


MICROFILMED

**ORDERED**, that the Order of the County Board of Appeals dated June 4, 1997 in the instant case is hereby ordered STAYED until thirty one (31) days after a Final Order is entered by this Court in this matter pursuant to a Hearing being held and concluded by this Court on the Petitioner's Petition for Judicial Review in the above captioned matter and that the Fifteen (15) residents of the subject Assisted Living Facility, i.e., "Parkside" 303 N. Rolling Road be allowed to remain residents of said subject Property during the said period.

  
\_\_\_\_\_  
Judge Robert E. Cadigan

**True Copy Test**

SUZANNE MENSCH, Clerk

per   
Assistant Clerk

MICROFILMED

9-11-97  
IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF 303 N. ROLLING ROAD  
PARTNERSHIP "PARKSIDE ASSISTED LIVING  
FACILITY" (A MARYLAND GENERAL  
PARTNERSHIP)

303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: RICK AINSWORTH, GEN. PARTNER

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-97-006654

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF  
303 N. ROLLING ROAD PARTNERSHIP  
FOR SPECIAL EXCEPTION AND VARIANCES  
ON PROPERTY LOCATED ON THE WEST SIDE  
NORTH ROLLING ROAD, 280 FEET WEST OF  
BEVERLY ROAD  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT

CASE NO. 96-507-XA

PROCEEDINGS BEFORE THE ZONING COMMISSIONER  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Robert O. Schuetz, S. Diane Levero, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
OF BALTIMORE COUNTY

No. 96-507-XA

May, 1996

Petitions for Special Exception and Variance  
filed by Michael Gisriel, Esquire, on behalf  
of 303 Rolling Road Partnership /Matt Decker -  
Gen. Partner; SE /Class B Assisted Living

MICROFILMED

Facility (ALF) to house a maximum of 15 Seniors; and several VAR/ to permit a 68' front yard setback for a structure in lieu of required 75'; a 58' side yard setback for a structure in lieu of the required 75'; and to allow a parking/maneuvering area as close as 21' in lieu of the required 50' buffer and 75' setback; a building height of 40' in lieu of 35' for a building within the 100' RTA; and a sign -30" by 18" in area in lieu of the 2 sq. ft. max (sign VAR requested at hearing).

June, 1996	Publication in newspaper.
June 28	Certificate of Posting of property.
July 24	ZAC Comments.
July	Hearing held on Petition by the Zoning Commissioner.
July 31	Order of the Zoning Commissioner in which Petition for Special Exception was GRANTED and Petition for Variance was GRANTED with restrictions.
August 28	Notice of Appeal filed by Frederick Cascio, Valerie Schwaab, Kirby Spencer, Chris Brennan, Cathy Sidlowski, Charles Camp, and Marita J. Cush, Pres. of The Catonsville Community Conservation Association.
February 18, 1997	Hearing before the Board of Appeals (Day #1).
April 17	Hearing before the Board of Appeals (Day #2 - concluded).
April 24	Deliberation conducted by the Board of Appeals.
June 4	Opinion and Order of the Board in which the Petition for Special Exception was DENIED, and the Petition for Variance was DENIED.
July 3	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael Gisriel, Esquire, on behalf of 303 N. Rolling Road Partnership.
July 8	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

MICROFILMED



July 14, 1997      Certificate of Notice sent to interested parties.

July 24            Order issued by the Circuit Court for Baltimore County; Order of 6/4/97 is STAYED; 15 residents allowed to remain residents during the Judicial Review period.

Petitioner's Exhibit Nos. 1-Site Plan (Large exhibit - in CBA closet)  
2-Brochures of Parkside Ass't Liv.  
3-Post Card of Parkside  
4-Deed Description  
5-Cascio Property (white house)  
6-Use Permit for Class A A.L.  
7-Use & Occupancy Permit issued (2/12/97)  
8-A-H Eight photos on Board showing neighborhood (Large exhibit - in CBA closet)  
9-Waiting list for entry to Parkside  
10-Letters of support for people on Open House Day  
11-Plan for Asst Liv (Decker Group) 11/29/95  
12-Letter from Dept. of Aging to State 4/3/97

Protestant's Exhibits Nos. 1-Rule 8 for Old Catonsville Neighborhood Assoc.

People's Counsel Exhibit No. 1-Sign-in sheet  
2-Area Map of Catonsville  
3A-Record for 303 N. Rolling Road as 3.1 acres  
3B-Record for 305 N. Rolling Road (rear of 303) to Decker  
4-List of Permits  
5-Calculations of Residence by Schneider  
6-ADC Map of Catonsville  
7-Letter from Lewis to Gisriel 6/10/96  
8-Letter from Lewis to Gisriel 5/31/96  
9-Letter from Lewis to Cascio 6/10/96  
10-(2G) 1996 Zoning Map - Catonsville (subj. site in yellow)  
11-200' SW zone map -Old Catonsville (3G)  
12-1000' Map of Catonsville -

MICROFILMED

- 12-1000' Map of Catonsville -  
Arbutus
- 13-(2G) Photogrametric map will  
topo lines 200'
- 14-Aerial Map
- 15-Area Map -site in yellow
- 16-Album of Photos (Highlighted on  
17 pgs.)
- 17-Chronology of Cascio record of  
activities)

September 4, 1997                      Transcript of testimony filed.

September 4, 1997                      Record of Proceedings filed in the  
Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered  
and upon which said Board acted are hereby forwarded to the Court,  
together with exhibits entered into evidence before the Board.  
However, all tangible material or evidence of an unwieldy or bulky  
nature will be retained in the Board of Appeals office and upon  
request of the parties or the Court will be transmitted to the  
Court by whomever institutes the request.

Respectfully submitted,

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals of Baltimore  
County, Room 49, Basement - Old Courthouse  
400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

cc: Michael Gisriel, Esquire  
Rick Ainsworth and Matt Decker, Gen. Partners  
303 N. Rolling Road Partnership  
Frederick B. Cascio, et al  
People's Counsel for Baltimore County  
Virginia W. Barnhart, County Attorney

MICROFILMED

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF  
303 N. ROLLING ROAD PARTNERSHIP  
"PARKSIDE ASSISTED LIVING  
FACILITY" (A MARYLAND GENERAL  
PARTNERSHIP)  
303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: MR. RICK AINSWORTH,  
GENERAL PARTNER

PETITIONER

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY  
BOARD OF APPEALS OF  
BALTIMORE COUNTY  
CASE NO. CBA-96-507-XA  
DATED JUNE 4, 1997 OVERTURNING  
THE JULY 31, 1996 DECISION OF THE  
BALTIMORE COUNTY ZONING  
COMMISSIONER BY DENYING THE  
PETITION FOR SPECIAL EXCEPTIONS  
FOR A CLASS B ASSISTED LIVING  
FACILITY (ALF) AT THE SUBJECT  
PROPERTY AND ALSO DENYING THE  
PETITION FOR CERTAIN VARIANCES  
PERTAINING THERETO

Civil Action No.:

03-c-97-6654

RECEIVED  
COUNTY BOARD OF APPEALS  
97 JUL 28 PM 12:57

ORDER

Upon consideration of the Petitioner's foregoing Motion for Stay, it is this 24 day of

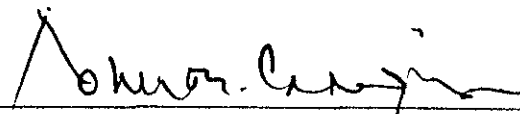
July, 1997, by the Circuit Court for Baltimore County

**ORDERED**, that the Order of the County Board of Appeals dated June 4, 1997 in the instant case is hereby ordered STAYED while the Judicial Review and all appeals of the County Board of

**FILED** JUL 25 1997

MICROFILMED

Appeals of the County Board of Appeals decision is ongoing and under judicial review and that the Fifteen (15) residents of the subject Assisted Living Facility, i.e., "Parkside" 303 N. Rolling Road be allowed to remain residents of said subject Property during the aforesaid Judicial Review period and all Appeals thereof.

  
\_\_\_\_\_  
Judge

**True Copy Test**

SUZANNE MENSCH, Clerk

Per   
Assistant Clerk

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF 303 N. ROLLING ROAD  
PARTNERSHIP "PARKSIDE ASSISTED LIVING  
FACILITY " (A MARYLAND GENERAL  
PARTNERSHIP)  
303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: MR. RICK AINSWORTH, GEN. PARTNER

FOR JUDICIAL REVIEW OF THE DECISION OF  
THE COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Room 49, Old Courthouse, 400 Washing-  
ton Avenue, Towson, MD 21204

CIVIL  
ACTION  
No. 3-C-97-006654

IN THE CASE OF: IN THE MATTER OF THE  
APPLICATION OF  
303 N. ROLLING ROAD PARTNERSHIP  
FOR SPECIAL EXCEPTION AND VARIANCES  
ON PROPERTY LOCATED ON THE WEST SIDE  
NORTH ROLLING ROAD, 280 FEET WEST OF  
BEVERLY ROAD  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT

CASE NO. 96-507-XA

RECEIVED AND FILED  
97 JUL 14 PM 12:30  
BALTIMORE COUNTY

\* \* \* \* \*

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Robert O. Schuetz, Harry E. Buchheister, Jr., and Charles L. Marks, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Michael Gisriel, Esquire, BOULAND, GISRIEL & BRUSH, LLC, 201 N. Charles Street, Suite 2400, Baltimore, Maryland 21201, Counsel for Petitioner; 303 N. Rolling Road Partnership, Attn.: Rick Ainsworth, General Partner, 303 N. Rolling Road, Catonsville, Maryland 21228, Petitioner; Frederick B. Cascio, et al, 217 N. Rolling Road, Catonsville, Maryland 21228; Protestants; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland

MICROFILMED

21204; a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Michael Gisriel, Esquire, BOULAND, GISRIEL & BRUSH, LLC, 201 N. Charles Street, Suite 2400, Baltimore, Maryland 21201, Counsel for Petitioner; 303 N. Rolling Road Partnership, Attn.: Rick Ainsworth, General Partner, 303 N. Rolling Road, Catonsville, Maryland 21228, Petitioner; Frederick B. Cascio, et al, 217 N. Rolling Road, Catonsville, Maryland 21228; Protestants; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 14th day of July, 1997.

*Charlotte E. Radcliffe*

Charlotte E. Radcliffe, Legal Secretary  
County Board of Appeals, Room 49 -Basement  
Old Courthouse, 400 Washington Avenue  
Towson, MD 21204 (410) 887-3180

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 14, 1997

Michael Gisriel, Esquire  
BOULAND, GISRIEL & BRUSH, LLC  
201 N. Charles Street, Suite 2400  
Baltimore, MD 21201

RE: Civil Action No. 3-C-97-006654  
303 N. Rolling Road Partnership

Dear Mr. Gisriel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

A handwritten signature in cursive script, reading "Charlotte E. Radcliffe".

Charlotte E. Radcliffe  
Legal Secretary

Enclosure

c: Mr. Rick Ainsworth, General Partner  
303 N. Rolling Road Partnership

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 14, 1997

Frederick B. Cascio, et al  
217 N. Rolling Road  
Catonsville, MD 21228

RE: Civil Action No. 3-C-97-006654  
303 N. Rolling Road Partnership  
PDM Case No. 96-507-XA

Dear Mr. Cascio:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on July 3, 1997, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-97-006654.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

  
Charlotte E. Radcliffe  
Legal Secretary

Enclosure

c: Valerie Schwaab  
Chris Brennan  
Cathy Sidlowski  
Charles Camp /Old Catonsville Comm. Assn.  
Marita Cush /Catonsville Comm. Conservation Assn.  
Mr. & Mrs. Ed Flynn  
Mr. & Mrs. Matt Decker  
People's Counsel for Baltimore County  
Lawrence E. Schmidt /PDM  
Arnold Jablon /PDM  
Virginia W. Barnhart, County Attorney

MICROFILMED





IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

RECEIVED  
COUNTY BOARD OF APPEALS  
97 JUL -8 AM 11:53

PETITION OF  
303 N. ROLLING ROAD PARTNERSHIP  
"PARKSIDE ASSISTED LIVING  
FACILITY" (A MARYLAND GENERAL  
PARTNERSHIP)  
303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: MR. RICK AINSWORTH,  
GENERAL PARTNER

PETITIONER

Civil Action No.: 03-C-97-6654

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY  
BOARD OF APPEALS OF  
BALTIMORE COUNTY  
CASE NO. CBA-96-507-XA  
DATED JUNE 4, 1997 OVERTURNING  
THE JULY 31, 1996 DECISION OF THE  
BALTIMORE COUNTY ZONING  
COMMISSIONER BY DENYING THE  
PETITION FOR SPECIAL EXCEPTIONS  
FOR A CLASS B ASSISTED LIVING  
FACILITY (ALF) AT THE SUBJECT  
PROPERTY AND ALSO DENYING THE  
PETITION FOR CERTAIN VARIANCES  
PERTAINING THERETO

RECEIVED AND FILED  
97 JUL -3 AM 11:57  
CLERK OF THE COURT  
BALTIMORE COUNTY

PETITION FOR JUDICIAL REVIEW

Now comes, 303 N. Rolling Road Partnership (a Md. General Partnership), which owns and operates "Parkside - Assisted Living Facility" housing fifteen (15) senior citizens located at 303 N. Rolling Road, Catonsville, Maryland 21228, Petitioner, by and through its attorney, Michael Gisriel, seeking and petitioning this Honorable Court, pursuant to Md. Rules of Procedure 7-201 through 7-

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210, for Judicial Review of the Decision of the County Board of Appeals dated June 4, 1997 in Case No. CBA-96-507-XA which overturned the July 31, 1996 decision of the Baltimore County Zoning Commissioner by Denying the Petition for Special Exceptions for a Class B Assisted Living Facility (ALF) at the subject property, i.e., 303 N. Rolling Road, Catonsville, Maryland 21228 and also denying the Petition for Four (4) Variances also at the subject property: i.e., to permit a 68-foot front yard setback for a structure in lieu of the required 75-foot; to permit a 58-foot side yard setback for a structure in lieu of the required 75-foot; to permit a parking/maneuvering area 67-foot setback from the side yard property line and 21 feet from the rear property line in lieu of the required 75 feet; and a variance for a building height of 40 feet in lieu of the maximum 35 feet within the 100-foot residential transition area (RTA).

Specifically, the Petitioner through its attorneys asserts that the conclusions and findings reached by the County Board of Appeals in denying the Special Exception Petition for a Class B Assisted Living Facility (ALF) at the subject property and also the Petition for the aforesaid Four (4) Variances also at the subject property which were the subject of the case at hand were not conclusions which reasoning minds could have reasonably reached considering all the surrounding circumstances in the case as well as the facts in the record before the County Board of Appeals by direct proof or by permissible inference. Further, that the decisions in this matter by the County Board of Appeals were not based upon and supported by the substantial evidence in the case presented before the Board.

Instead, the County Board of Appeals should have affirmed the July 31, 1996 decision of the Baltimore County Zoning Commissioner in this case by granting the Petitioner's Petition for a Class B ALF Special Exception as well as granting the Petition for the aforesaid Four (4) Variances. As

the Zoning Commissioner correctly decided in its opinion, the evidence in this case was persuasive that the use of the subject property as an Assisted Living Facility housing up to 15 residents would not be detrimental to the health, safety and/or general welfare of the community. There was no credible evidence presented before the Board of Appeals that the Class B ALF use would adversely impact neighboring properties, underlay tax public utilities, cause adverse environmental impacts or otherwise negatively impact the community. To the contrary, the record before the Board of Appeals shows that it is more likely that the proposed use represents an improvement to the property and would have a positive effect on the area. Even the Protestants who testified before the Board conceded that the ALF is an appropriate use for the site rather than a rundown apartment building.

As to the Four (4) Variances sought, the Board of Appeals decision denying these variances is also clearly not a conclusion which reasoning minds could have reasonably reached considering all the surrounding circumstances in the case as well as the facts in the record before the County Board of Appeals by direct proof or by permissible inference as well as not based upon and supported by the substantial evidence in the case presented before the Board. It is important to note that three of the four variance requests relate to the original building which is apparently 80 years in age and which was constructed prior to the adoption of the Zoning regulations in Baltimore County. The change in use of the structure from a vacant rundown apartment building to a modern Assisted Living Facility mandates or drives the variance requests. This change ipso facto contains some unique characteristics which justifies the granting of the variances and further demonstrates that a practical difficulty or hardship would exist if the variances were not granted.

Two (2) of the requested variances seek legitimization of the location of the 80-year-old existing building on the lot, i.e., 68' from the front property line and 58' from the side property line,

in lieu of the required 75'. The third variance sought is for the height of the existing building and the addition attached hereto. The fourth variance sought relates to the parking lot in the rear of the property relative to its location to the Residential Transaction Area (RTA).

Without the granting of the variance relief requested, not only would five feet need to be trimmed from the top roof of the existing building, but also both the front and side of the existing historic dwelling would have to be altered in order to meet the required setbacks. The addition, which the Protestants object to, has no significant effect on the Petitioner's need for these variances. It is not the variance relief required, but rather the change of use from an apartment building to an Assisted Living Facility. The denial by the Board of Appeals of the Four Requested Variances is not a decision that could have been reasonably reached considering all the surrounding circumstances in the record of this case before the Board. The denial of the Variances as well as the denial of the special exception is arbitrary and capricious and should be reversed.

The Protestants' chief concern as well as the Board of Appeals' decision seems to be based on the premise that the Petitioner failed to follow proper procedures while renovating the structure. Even assuming arguendo that the actions of the Petitioner might have been inconsistent with the procedures governing the development of the subject property, those actions did not however bear directly on the issues before the Board of Appeals in considering whether or not to grant the Special Exception as well as the Variances sought by the Petitioner in this case. The correct decision supported by the substantial evidence in this case is the same decision that was reached by the Baltimore County Zoning Commissioner in his July 31, 1996 decision both the Special Exception and the Variances requested by the Petitioner should have been granted not denied. Accordingly, we ask this Honorable Court to reverse the aforementioned decision of the County Board of Appeals

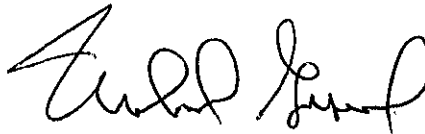
and grant the Class B Special Exception for an ALF as well as the requested Variances and/or such further relief that this Court deems just and proper.

**REQUEST FOR HEARING**

Petitioner requests a Hearing before this Court on its Petition.

Dated July 3, 1997

Respectfully submitted,



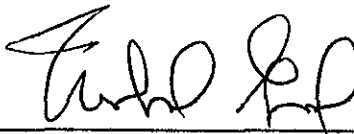
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Michael Gisriel, Esq.  
Bouland, Gisriel & Brush, LLC  
201 N. Charles Street, Suite 2400  
Baltimore, Maryland 21201  
Phone (410) 539-0513  
Fax (410) 625-3859

Attorney for Petitioner  
303 N. Rolling Road Partnership

**RULE 6-323 CERTIFICATION**

The undersigned confirms that he is admitted and licensed to practice law in the State of Maryland.



---

Michael Gisriel

7 5 97

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF  
303 N. ROLLING ROAD PARTNERSHIP  
"PARKSIDE ASSISTED LIVING  
FACILITY" (A MARYLAND GENERAL  
PARTNERSHIP)  
303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: MR. RICK AINSWORTH,  
GENERAL PARTNER

PETITIONER

Civil Action No.: 03-C-97-6654

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY  
BOARD OF APPEALS OF  
BALTIMORE COUNTY  
CASE NO. CBA-96-507-XA  
DATED JUNE 4, 1997 OVERTURNING  
THE JULY 31, 1996 DECISION OF THE  
BALTIMORE COUNTY ZONING  
COMMISSIONER BY DENYING THE  
PETITION FOR SPECIAL EXCEPTIONS  
FOR A CLASS B ASSISTED LIVING  
FACILITY (ALF) AT THE SUBJECT  
PROPERTY AND ALSO DENYING THE  
PETITION FOR CERTAIN VARIANCES  
PERTAINING THERETO

**MOTION FOR STAY**

303 N. Rolling Road Partnership "Parkside - Assisted Living Facility" (a Md. General Partnership), Petitioner, by and through its attorney, Michael Gisriel, hereby moves this Honorable Court pursuant to Maryland Rule 7-205 to grant a Stay on the Order of the County Board of Appeals dated June 4, 1997 in the above captioned matter and for reasons say:

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1. That the Petitioner has gone to great effort, time and expense to renovate the subject property to convert it from a rundown vacant apartment building to an attractive and modern Assisted Living Facility containing fifteen (15) individual bedrooms as well as newly renovated kitchen, bathroom and living areas to house fifteen (15) Senior citizens from the Greater Catonsville area; and

2. That pursuant to the Baltimore County Zoning Commissioner's July 31, 1996 Order which granted the Petitioner's Petition for a Special Exception Class B Assisted Living Facility and as well as the Four (4) Variances sought at the subject property known as 303 N. Rolling Road, the Petitioner advertised for and after obtaining and overwhelming response rented the said fifteen (15) individual bedrooms to fifteen (15) Senior citizens from the Greater Catonsville area - all of whom currently reside at the Assisted Living Facility (ALF) at the subject property, i.e., 303 N. Rolling Road; and

3. That the County Board of Appeals by virtue of a June 4, 1997 decision overturned the aforesaid Baltimore County Zoning Commissioner's decision and denied the Petitioner's Class B ALF Special Exception as well as the Requested Four (4) Variances; and

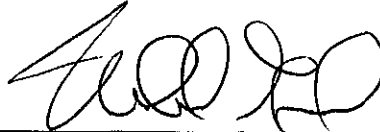
4. That the Fifteen (15) Senior citizen residents of the Parkside ALF at the subject property, i.e., 303 N. Rolling Road as well as the Petitioner would suffer irreparable harm, dislocation and trauma if the fifteen (15) Resident Senior Citizens had to move from the subject premises if the Stay was not granted.

**REQUEST FOR HEARING**

The Petitioner, 303 N. Rolling Road Partnership, by and through its attorney, Michael Gisriel hereby requests a Hearing before this Court on its Motion for Stay.

Dated July 3, 1997

Respectfully submitted,



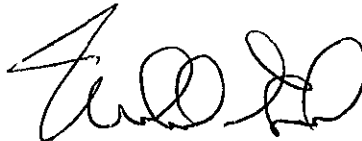
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Michael Gisriel, Esq.  
Boulard, Gisriel & Brush, LLC  
201 N. Charles Street, Suite 2400  
Baltimore, Maryland 21201  
Phone (410) 539-0513  
Fax (410) 625-3859

Attorney for Petitioner  
303 N. Rolling Road Partnership

**STATEMENT OF POINTS AND AUTHORITIES**

1. Maryland Rule of Procedure 7.205.



---

Michael Gisriel



Circuit Court for BALTIMORE COUNTY

City or County

# **CIVIL—NON-DOMESTIC CASE INFORMATION REPORT**

**Directions:**

**Plaintiff:** This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

**Defendant:** You must file an Information Report as required by Rule 2-323(h).

**THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.**

FORM FILED BY: ☐ PLAINTIFF ☐ DEFENDANT

CASE NUMBER: \_\_\_\_\_

CASE NAME: Petition of 303 N. Rolling Road Partnership "Parkside Assisted Living Facility" for Judicial Review of Decision of Board of Defendant Appeals (Clerk to insert)

JURY DEMAND: ☐ Yes ☒ No Anticipated length of trial: \_\_\_\_\_ hours or \_\_\_\_\_ days

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known: \_\_\_\_\_

HAS ALTERNATIVE DISPUTE RESOLUTION (ADR):

Been Tried?

☐ Yes

☒ No

Requested?

☐ Yes

☒ No

If yes, specify: \_\_\_\_\_

Special Requirements?

☐

Interpreter/communication impairment

☐

Other ADA accommodation: \_\_\_\_\_

## **NATURE OF ACTION**

(CHECK ONE BOX)

### **TORTS**

- ☐ Motor Tort
- ☐ Premises Liability
- ☐ Assault & Battery
- ☐ Product Liability
- ☐ Professional Malpractice
- ☐ Wrongful Death
- ☐ Business & Commercial
- ☐ Libel & Slander
- ☐ False Arrest/Imprisonment
- ☐ Nuisance
- ☐ Toxic Torts
- ☐ Fraud
- ☐ Malicious Prosecution
- ☐ Lead Paint
- ☐ Asbestos
- ☐ Other \_\_\_\_\_

### **LABOR**

- ☐ Workers' Comp.
- ☐ Wrongful Discharge
- ☐ EEO
- ☐ Other \_\_\_\_\_

### **CONTRACTS**

- ☐ Insurance
- ☐ Confessed Judgment
- ☐ Other \_\_\_\_\_

### **REAL PROPERTY**

- ☐ Judicial Sale
- ☐ Condemnation
- ☐ Landlord Tenant
- ☐ Other \_\_\_\_\_

### **OTHER**

- ☒ Civil Rights
- ☐ Environmental
- ☐ ADA
- ☒ Other Judicial Review of County Board of Appeals Decision

## **DAMAGES / RELIEF**

### **A. TORTS**

#### **Actual Damages**

- ☐ Under \$7,500
- ☐ \$7,500 - \$50,000
- ☐ \$50,000 - \$100,000
- ☐ Over \$100,000

☐ Medical Bills

\$ \_\_\_\_\_

☐ Property Damages

\$ \_\_\_\_\_

☐ Wage Loss

\$ \_\_\_\_\_

### **B. CONTRACTS**

- ☐ Under \$10,000
- ☐ \$10,000 - \$20,000
- ☐ Over \$20,000

### **C. NONMONETARY RELIEF**

☐ Declaratory Judgment

☐ Injunction

☐ Other \_\_\_\_\_

## **TRACK REQUEST**

With the exception of Baltimore County, Baltimore City, and Prince George's County, please fill in the estimated **LENGTH OF TRIAL**. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

☐ 1/2 day of trial or less

☐ 1 day of trial time

☒ 2 days of trial time

☐ 3 days of trial time

☐ More than 3 days of trial time

**MICROFILMED**

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.**

Date: July 3, 1987

Signature: [Signature]

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

**CIRCUIT COURT FOR BALTIMORE CITY (check only one)**

- |  |   |
|--|---|
| <input type="checkbox"/> Expedited                   | Trial 60 to 120 days from notice. Non-jury matters.   |
| <input type="checkbox"/> Standard-Short              | Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments. |
| <input type="checkbox"/> Standard-Medium             | Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.                                     |
| <input checked="" type="checkbox"/> Standard-Complex | Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.  |
| <input type="checkbox"/> Lead Paint                  | Trial per model order.  |
| <input type="checkbox"/> Asbestos                    | Events and deadlines set by individual judge.   |
| <input type="checkbox"/> Protracted Cases            | Complex cases designated by the Administrative Judge.   |

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY**

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> TRACK I   | Cases having Judicially-assessed values under \$25,000.                                   |
| <input type="checkbox"/> TRACK II  | Cases having Judicially-assessed values greater than \$25,000 but not complex litigation. |
| <input type="checkbox"/> TRACK III | Non-jury.   |
| <input type="checkbox"/> TRACK IV  | Statutory Priority Jury Track.  |
| <input type="checkbox"/> TRACK V   | Complex Litigation (Business, Tort, Orphan's Court Appeals).                              |

**LIABILITY FACTORS**

- |   |   |
|---|---|
| <input type="checkbox"/> Rear-end       | <input type="checkbox"/> Left-hand Turn |
| <input type="checkbox"/> Slip and Fall  | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Intersection   |   |
| <input type="checkbox"/> Changing Lanes |   |

**INJURY FACTORS**

- |   |   |
|---|---|
| <input type="checkbox"/> Soft Tissue                          | <input type="checkbox"/> Herniated Disk     |
| <input type="checkbox"/> Broken Bones                         | <input type="checkbox"/> Severe Head Injury |
| <input type="checkbox"/> Joint Damages<br>(knee, ankle, etc.) | <input type="checkbox"/> Other: _____       |

**CIRCUIT COURT FOR BALTIMORE COUNTY**

- |  |   |
|--|---|
| <input type="checkbox"/> Expedited<br>(Trial Date-90 days)                     | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.   |
| <input type="checkbox"/> Standard<br>(Trial Date-240 days)                     | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.   |
| <input checked="" type="checkbox"/> Extended Standard<br>(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex<br>(Trial Date-450 days)                      | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.   |

dated: July 3, 1997

Enlighten, Inc.

410-539-0513

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

**CIRCUIT COURT FOR BALTIMORE CITY (check only one)**

- |  |   |
|--|---|
| <input type="checkbox"/> Expedited                   | Trial 60 to 120 days from notice. Non-jury matters.   |
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| <input type="checkbox"/> Standard-Medium             | Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.                                     |
| <input checked="" type="checkbox"/> Standard-Complex | Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.  |
| <input type="checkbox"/> Lead Paint                  | Trial per model order.  |
| <input type="checkbox"/> Asbestos                    | Events and deadlines set by individual judge.   |
| <input type="checkbox"/> Protracted Cases            | Complex cases designated by the Administrative Judge.   |

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY**

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> TRACK I   | Cases having Judicially-assessed values under \$25,000.                                   |
| <input type="checkbox"/> TRACK II  | Cases having Judicially-assessed values greater than \$25,000 but not complex litigation. |
| <input type="checkbox"/> TRACK III | Non-jury.   |
| <input type="checkbox"/> TRACK IV  | Statutory Priority Jury Track.  |
| <input type="checkbox"/> TRACK V   | Complex Litigation (Business, Tort, Orphan's Court Appeals).                              |

**LIABILITY FACTORS**

- |   |   |
|---|---|
| <input type="checkbox"/> Rear-end       | <input type="checkbox"/> Left-hand Turn |
| <input type="checkbox"/> Slip and Fall  | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Intersection   |   |
| <input type="checkbox"/> Changing Lanes |   |

**INJURY FACTORS**

- |   |   |
|---|---|
| <input type="checkbox"/> Soft Tissue                          | <input type="checkbox"/> Herniated Disk     |
| <input type="checkbox"/> Broken Bones                         | <input type="checkbox"/> Severe Head Injury |
| <input type="checkbox"/> Joint Damages<br>(knee, ankle, etc.) | <input type="checkbox"/> Other: _____       |

**CIRCUIT COURT FOR BALTIMORE COUNTY**

- |  |   |
|--|---|
| <input type="checkbox"/> Expedited<br>(Trial Date-90 days)                     | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.   |
| <input type="checkbox"/> Standard<br>(Trial Date-240 days)                     | Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.   |
| <input checked="" type="checkbox"/> Extended Standard<br>(Trial Date-345 days) | Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency. |
| <input type="checkbox"/> Complex<br>(Trial Date-450 days)                      | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.   |

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dated: July 3, 1997

Enlight, et al

410-538-0513

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF  
303 N. ROLLING ROAD PARTNERSHIP  
"PARKSIDE ASSISTED LIVING  
FACILITY" (A MARYLAND GENERAL  
PARTNERSHIP)  
303 N. ROLLING ROAD  
CATONSVILLE, MARYLAND 21228  
ATTN: MR. RICK AINSWORTH,  
GENERAL PARTNER

PETITIONER

Civil Action No.: 03-C-97-6654

FOR JUDICIAL REVIEW OF THE  
DECISION OF THE COUNTY  
BOARD OF APPEALS OF  
BALTIMORE COUNTY  
CASE NO. CBA-96-507-XA  
DATED JUNE 4, 1997 OVERTURNING  
THE JULY 31, 1996 DECISION OF THE  
BALTIMORE COUNTY ZONING  
COMMISSIONER BY DENYING THE  
PETITION FOR SPECIAL EXCEPTIONS  
FOR A CLASS B ASSISTED LIVING  
FACILITY (ALF) AT THE SUBJECT  
PROPERTY AND ALSO DENYING THE  
PETITION FOR CERTAIN VARIANCES  
PERTAINING THERETO

**ORDER**

Upon consideration of the Petitioner's foregoing Motion for Stay, it is this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, by the Circuit Court for Baltimore County

**ORDERED**, that the Order of the County Board of Appeals dated June 4, 1997 in the instant case is hereby ordered STAYED while the Judicial Review and all appeals of the County Board of

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Appeals of the County Board of Appeals decision is ongoing and under judicial review and that the Fifteen (15) residents of the subject Assisted Living Facility, i.e., "Parkside" 303 N. Rolling Road be allowed to remain residents of said subject Property during the aforesaid Judicial Review period and all Appeals thereof.

---

Judge

IN THE MATTER OF  
THE APPLICATION OF  
303 N. ROLLING ROAD  
PARTNERSHIP -PETITIONER  
FOR SPECIAL EXCEPTION AND  
VARIANCES ON PROPERTY LOCATED  
ON THE WEST SIDE NORTH  
ROLLING ROAD, 280 FEET WEST  
OF BEVERLY ROAD  
1ST ELECTION DISTRICT  
1ST COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 96-507-XA  
\*

\* \* \* \* \*

### O P I N I O N

This case comes as an appeal of the July 31, 1996 decision of the Zoning Commissioner in which Petitions for Special Exception and Variances for a Class B Assisted Living Facility (ALF) were granted with restrictions. The appeal was brought by Frederick B. Cascio, Valerie Schwaab, Kirby Spencer, Chris Brennan, Cathy Sidlowski, the Old Catonsville Community Association, and the Catonsville Community Conservation Association. The Appellants appeared pro se. Petitioners, Richard Ainsworth and Mr. and Mrs. Matt Decker, were represented by Michael Gisriel, Esquire. People's Counsel for Baltimore County participated in the proceedings. This case was heard in two days of testimony and subsequently deliberated in an open meeting.

This case comes as the first appeal to the Board of Appeals of the granting of a special exception for a Class B assisted living facility. Unfortunately, despite being the first Class B ALF special exception hearing before the Board, the facts in the case indicate a rather checkered history.

The Board received evidence and testimony from several witnesses. Appearing for Petitioners were Mr. Ainsworth and Mr. Decker. Appearing for Protestants were John Schneider, a registered Professional Engineer; Christine Brennan, appearing on

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Case No. 96-507-XA 303 N. Rolling Road Partnership -Petitioner 2  
behalf of Old Catonsville Community Association; Kirby Spencer;  
John Lewis, a Planner II in the Zoning Review Section of the  
Department of Permits & Development Management; Michael Cook, a  
Housing Coordinator for assisted living facilities in the County  
Department of Aging; Valerie Schwaab; Cathy Sidlowski; and,  
finally, Mr. Cascio. Final argument was heard following the close  
of Mr. Cascio's testimony.

As stated previously, this case is fraught with many  
difficulties over its rather checkered history. Petitioners sought  
and obtained a Class A use permit for an assisted living facility  
in accordance with Baltimore County Zoning Regulations (BCZR)  
Section 432.5. After having obtained the use permit for a Class A  
ALF, Petitioners began construction of a building addition on the  
instant site without building permit and without having notified  
other County authorities who had issued the Class A ALF use permit.  
Some time had passed under construction before the Petitioners were  
discovered; after their discovery in constructing without a permit,  
Petitioners applied for and obtained a building permit. That first  
building permit was obtained under the guise of the existing  
building's then-present and then-anticipated use as a single-family  
dwelling, not the Class ALF which then existed. Assuming that the  
information on the application was correct, the County Department  
of Permits & Development Management issued the building permit.  
That same building permit was initially to permit construction of  
a one-story addition with a basement, not the three-story addition  
which now stands. After some oral and written correspondence with  
the Petitioners, on June 10, 1996, Permits & Development Management  
rescinded the Class A assisted living facility permit.

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At issue is determining whether the Petitioner was enlarging the existing facility by 25 percent or more of ground floor area, as indicated in Baltimore County Zoning Regulations Section 101-- Definitions, Assisted Living Facility, subparagraph 2a and b, that resulted in the County's determination that the then-in-process alterations indeed exceeded 25 percent ground floor area of the original structure, thereby necessitating the Class B ALF special exception. The point of this issue is in examination of the degree of change to the original structure as part of the review of compatibility and in review of the differences between Class A and Class B ALFs as defined in the legislation.

Testifying under oath, Mr. Ainsworth, on cross-examination from People's Counsel, stated that he had obtained an Associate in Arts Degree from the University of Maryland College Park School of Business in 1983. He also stated, among other things, that he sits on a committee for the promulgation of regulations regarding assisted living facilities in the State of Maryland. He also stated that the entity which spearheaded the improvements to the property had invested between \$700,000 and \$800,000 in those improvements, and that he participates in the ownership of other similar facilities. The Board first notes that the University of Maryland College Park School of Business has never conferred an Associate in Arts Degree. Second, on examination of the permit applications (People's Counsel Exhibit No. 4), the amounts indicated for the value of improvements falls far short of the amounts offered in testimony before the Board. People's Counsel Exhibit No. 4 provides the numerous building and electrical permits necessitated by the initial inaccuracy of information provided at

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Case No. 96-507-XA 303 N. Rolling Road Partnership -Petitioner 4  
the time of the initial permit application. This Board believes that the County Department of Permits & Development Management and the neighboring community have had to deal with the proverbial moving target.

The thrust of Protestants' case is really two-fold. First, the Protestants believe they have been excluded from a process which would have required their participation had the Petitioner requested a Class B assisted living facility permit from the beginning. Second, Protestants believe that the intensification of the instant assisted living facility from what is allowed ostensibly by right as a Class A ALF to what is proposed is incompatible with their community. Protestants seek to require strict adherence to the process which includes a review of the size and scope of such a facility in their community. Protestants in no way oppose a use as a Class A ALF.

Because Petitioners were discovered by the County, Petitioner seeks a special exception to permit a Class B ALF on the instant site within the D.R. zoning classification. The need for a Class B assisted living facility permit places site restrictions in the creation of residential transition areas and setbacks which are greater than required by the Class A permit. Those differences result in the Petitioner's need for a variance for a 68-foot front setback in lieu of the required 75-foot; 58-foot side yard setback in lieu of the required 75-foot; parking maneuvering area 67-foot setback from the side yard property line and 21 feet from the rear property line in lieu of the required 75 feet; and variances for building height of 40 feet in lieu of the maximum 35 feet within the 100-foot residential transition area (RTA). Variance of the

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Case No. 96-507-XA    303 N. Rolling Road Partnership -Petitioner 5  
RTA in the D.R. zones is described in BCZR Section 1B01.1B.1.c,  
which refers to BCZR Section 307.1. Therefore, the Board begins  
with review of the variance requests in accordance with the tests  
described in BCZR Section 307.1, which states in pertinent part:

"The zoning commissioner of Baltimore County and the county board of appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the zoning regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking, or sign regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the zoning commissioner shall require public notice to be given and shall hold a public hearing upon an application for variance.... Any order by the zoning commissioner or the county board of appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The seminal case for review of variances in Baltimore County is Cromwell v. Ward, 102 Md.App. 691 (1995). The order in which the tests described are viewed is provided in Cromwell; first to be examined is the question of whether special circumstances or conditions exist that are peculiar to the land or structure. According to Cromwell, failure to prove such uniqueness results in stopping the examination at that point.

Here, the Petitioner owns property in the Old Catonsville area of Baltimore County, the structure being rather large and old, pre-dating Baltimore County Zoning Regulations. Yet this Board cannot find any evidence brought by Petitioners which alleges uniqueness.

MICROFILMED

Case No. 96-507-XA 303 N. Rolling Road Partnership -Petitioner 6  
Quite the contrary, People's Counsel Exhibit No. 16 provides photographs of several houses in the nearby vicinity which, in fact, point to the existence of several properties of a similar nature within the zone. In fact, Old Catonsville is known to contain several properties similarly situated. In the absence of any testimony or evidence brought by Petitioners, despite argument by Petitioner's Counsel, Petitioner has failed to meet his burden of proof as to uniqueness. (See Umerley v. People's Counsel, 108 Md.App. 497, cert. denied 342 Md. 584 [1996] at 508.) This Board further finds as a fact that information brought by Protestants leaves the Board little option but to find that the property is in no way unique, despite its age relative to the promulgation of the Baltimore County Zoning Regulations.

Having failed the uniqueness test, review by the Board can stop here. However, this Board will review whether strict compliance with the zoning regulations results in practical difficulty or unreasonable hardship for this Petitioner.

In the case before the Board, this Petitioner brings variance requests which are directly the result of the change in use from Class A assisted living facility to a proposed Class B assisted living facility. It has been stated that the Petitioners had a lawfully obtained Class A use permit. This Board has found that the ensuing activity on the site indicates a general disregard of the review process. Any action taken by Petitioners was of their own accord and without any review of any County authority. To allege that a variance is required and where strict compliance results in practical difficulty or unreasonable hardship is a very difficult pill for this Board to swallow. This Board finds that

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Case No. 96-507-XA 303 N. Rolling Road Partnership -Petitioner 7  
the actions of the Petitioner have resulted in the need for the variances, those actions being entirely self-imposed. A self-imposed hardship cannot be seen as an unreasonable one.

In Umerley, at page 510, the Court describes the difference between a special exception and a variance, where legislative approval exists for the underlying use, when that use requires a special exception, that special exception granting permission to engage in that use under certain conditions. The Court states "...the special exception is an acknowledgement by the appropriate zoning authority that those conditions have been met. A variance, by contrast, grants permission to engage in a use that the appropriate legislative authority has otherwise proscribed." This Board notes that a variance represents permission to deviate from otherwise required conditions; those conditions resting in the physical conditions of the site and any improvements thereon. A special exception recognizes approval of an underlying use, not the physical aspects. As in Umerley, this Petitioner failed to produce evidence showing that the property is unique; further, this Board has found that any practical difficulty or unreasonable hardship is one which is entirely self-imposed. Therefore, as in Umerley, the Petition for Special Exception is rendered essentially moot.

Assuming Petitioners had successfully obtained variances as petitioned, this Board would still deny the Petition for Special Exception. In order for the Board to grant the special exception, it must make findings pursuant to the requirements of BCZR Section 502.1. In the instant case, Petitioner's case consisted solely of testimony and limited evidence brought through Messrs. Ainsworth and Decker. There is a dearth of evidence in order for this Board

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Case No. 96-507-XA 303 N. Rolling Road Partnership -Petitioner 8  
to make any findings of fact pursuant to BCZR Section 502.1(b),  
(c), (d), or (e). This Board can draw its own conclusions based on  
the evidence regarding Section 502.1(a), (f), (g), and (h).  
However, failing to provide any of the required evidence leaves  
this Board no option but to find that the Petitioner has failed to  
meet his burden of proof. Furthermore, in amplifying the  
distinction between special exception and variance, the special  
exception involves a conditional use, not the physical conditions  
of the site at hand. That conditional use rides with the owner of  
the use which this Board considers in reviewing BCZR Section 502.1  
against the facts as they have been presented. This Board has  
already found Petitioner's case to be a moving target for the  
reviewing authorities and the neighboring community. The reviewing  
authorities had improper, incomplete information with which to  
work. This Board cannot find that such disregard for the review  
process is in any way consistent with the spirit and intent of the  
zoning regulations, not to mention the fact that Baltimore County  
Code Section 7-36(b) indicates that such actions by an owner,  
agent, builder or contractor, in working without having obtained  
the required permit, can result in the perpetrator's being found  
guilty of a misdemeanor. Clearly, the spirit and intent involves  
the open airing of all issues.

For all of the above reasons, denial of the requested  
variances notwithstanding, this Board would deny the Petition for  
Special Exception.

O R D E R

THEREFORE, IT IS THIS 4th day of June, 1997 by the County  
Board of Appeals of Baltimore County

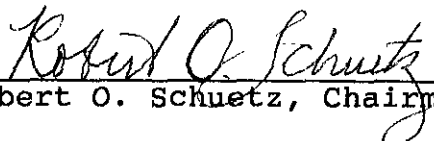
MICROFILMED

ORDERED that the Petition for Variances to permit a 68-foot front yard setback for a structure in lieu of the required 75-foot; to permit a 58-foot side yard setback for a structure in lieu of the required 75-foot; parking/maneuvering area 67-foot setback from the side yard property line and 21 feet from the rear property line in lieu of the required 75 feet; and variances for building height of 40 feet in lieu of the maximum 35 feet within the 100-foot residential transition area (RTA) be and the same is DENIED; and it is further


ORDERED that the Petition for Special Exception for a Class B Assisted Living Facility (ALF) at the subject property be and the same is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Robert O. Schuetz, Chairman

  
Harry E. Buchheister, Jr.

  
Charles L. Marks



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

June 4, 1997

Mr. Frederick B. Cascio  
217 N. Rolling Road  
Catonsville, MD 21228

RE: Case No. 96-507-XA  
303 N. Rolling Road Partnership

Dear Mr. Cascio:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Redcliffe for*  
Kathleen C. Bianco, Administrator  
County Board of Appeals

encl.

cc: Valerie Schwaab  
Chris Brennan  
Cathy Sidlowski  
Charles Camp /Old Catonsville Comm. Assn.  
Marita Cush /Catonsville Comm. Conservation Assn.  
Mr. & Mrs. Ed Flynn  
Mr. and Mrs. Matt Decker  
Michael Gisriel, Esquire  
Richard Ainsworth  
People's Counsel for Baltimore County  
Pat Keller  
Arnold Jablon, Director /PDM  
Lawrence E. Schmidt, Zoning Commissioner  
Virginia W. Barnhart, County Attorney

MICROFILMED



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 30, 1996

Michael Gisriel, Esquire  
Gisriel and Gisriel  
Suite 400  
210 E. Lexington Street  
Baltimore, Maryland 21202

RE: Petitions for Special Exception and Variance  
Case No. 96-507XA  
303 N. Rolling Road Partnership, Petitioner

Dear Mr. Gisriel:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restrictions, in accordance with attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

c: Richard Ainsworth, 519 Cockeysville Road, Reisterstown, Md. 21136  
c: Mr. and Mrs. Matt Decker, 815 Hilltop Road, Catonsville, Md. 21228  
c: Mr. F.B. Cascio, 217 N. Rolling Road, Catonsville, Md. 21228  
c: Kirby Spencer, 11 N. Beechwood Avenue, Catonsville, Md. 21228

MICROFILMED





RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
303 N. Rolling Road, W/S Rolling Road,	*	ZONING COMMISSIONER
280' N of Beverly Road, 1st Election		
District, 1st Councilmanic	*	OF BALTIMORE COUNTY
303 N. Rolling Road Partnership	*	CASE NO. 96-507-XA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19<sup>th</sup> day of July, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael Gisriel, Esquire, 210 E. Lexington Street, Suite 400, Baltimore, MD 21202, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 303 N. Rolling Road Catonsville, MD 21228

which is presently zoned D.R. - 2

96-507-XA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

- An Assisted Living Facility (ALF) - Class B to house up to a maximum of fifteen (15) Seniors at the subject premises i.e. 303 N. Rolling Road, Catonsville, Maryland 21228.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

N/A  
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Michael Gisriel, Esq.  
(Type or Print Name)

Signature

210 E. Lexington Street, Suite 400  
Address Phone No.

Baltimore, Maryland 21202  
City State Zipcode

Tel. (410) 539-0513

Fax (410) 625-3859

Legal Owner(s):

303 Rolling Road Partnership  
(Type or Print Name)

by [Signature]  
Signature

Matt Decker - Gen. Partner  
(Type or Print Name)

Signature

303 N. Rolling Road (410) 719-0011  
Address Phone No.

Catonsville, Maryland 21228  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

c/o Matt Decker  
Name

303 N. Rolling Road (410) 719-0011  
Address Phone No.  
Catonsville, Maryland 21228  
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

MICROFILMED



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-507-XA

303 N. Rolling Road, Balto. 21228

which is presently zoned

D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.1.B1.c and e (2), (3), and (5) BCZR - see attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael Gisriel, Esq.

(Type or Print Name)

Signature

210 E. Lexington St. Suite 400

Address

Balto., MD 21202

Phone no

City

State

Zipcode

Tel (410) 539-0513

Fax (410) 625-3859

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

303 N. Rolling Rd. Partner

(Type or Print Name)

Signature

Matt Decker - Partner

(Type or Print Name)

Signature

303 N. Rolling Rd. (410) 719-0011

Address

Phone No

Balto., MD 21228

City

State

Zipcode

Name, Address and phone number of representative to be contacted

c/o Matt Decker

Name

303 N. Rolling Rd. (410) 719-0011

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Printed with Soybean Ink  
on Recycled Paper



MICROFILMED

**PETITION FOR VARIANCE**

96-507-XA

**RE: 303 N. ROLLING ROAD  
CATONSVILLE, MD 21228**

**ZONED: DR 2**

**R.T.A VARIANCE REQUESTS:**

**PER 1BO1.1.B1.c and e (2) , (3), and (5) BCZR TO PERMIT**

- A) 68 FT SETBACK FOR STRUCTURE IN LIEU OF THE REQUIRED 75 FT SETBACK REQUIREMENT.**
- B) 58 FT SETBACK FOR STRUCTURE IN LIEU OF THE REQUIRED 75 FT SETBACK REQUIREMENT.**
- C) PARKING /MANEUVERING AREA AS CLOSE AS 21 FT. IN 50 FT BUFFER AND 75 FT SETBACK AS INDICATED ON PLAN.**
- D) BUILDING HEIGHT OF 40 FT IN LIEU OF 35 FT WITHIN THE 100 FT TRANSITION AREA.**

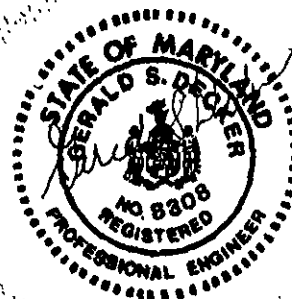
MICROFILMED

501  
96-507-XA  
MAY 29, 1996

DEED DESCRIPTION FOR 303 ROLLING ROAD

Beginning for the same at a point on the Southeast side of Rolling Road approximately 280 feet Northeast of the centerline of Beverly Road said point also being in the 4th or North 64 degrees 28 minutes 00 seconds West 607.96 foot line of the entire tract as described in a deed dated May 4, 1994 and conveyed by Chester E. and Dolores E. Grimes to The Decker Group, Inc. and recorded among the land records of Baltimore County Maryland in liber 10579 folio 366, said point being 20.25 feet from the end of said 4th line, thence leaving said 4th line and running with the Southeast side of Rolling Road and running for 5 new lines of division North 10 degrees 38 minutes 50 seconds East for a distance of 183.26 feet, thence leaving the Southeast side of Rolling Road South 70 degrees 39 minutes 38 seconds East for a distance of 264.86 feet, thence South 10 degrees 38 minutes 57 seconds West for a distance of 35.00 feet, thence North 70 degrees 39 minutes 38 seconds West for a distance of 30.00 feet, thence South 10 degrees 38 minutes 57 seconds West for a distance of 149.24 feet to intersect the 1st mentioned 4th or North 64 degrees 28 minutes 00 seconds West 607.96 foot line, thence running with part of said 4th line North 70 degrees 25 minutes 29 seconds West for a distance of 235.00 feet to the place of beginning containing 1.0031 acres of land more or less.

Being part of the land as described in a deed dated May 4, 1994 and conveyed by Chester E. Grimes and Dolores E. Grimes his wife to The Decker Group, Inc. and part of the land described in a deed dated October 8, 1992 and conveyed by Chester E. Grimes and Dolores E. Grimes, his wife to Matthew C. Decker and Margaret H. Decker, husband and wife and recorded among the land records of Baltimore County, Maryland in liber 9465 folio 48.



MICROFILMED

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 96-507-X1A  
Towson, Maryland

District 1st

Date of Posting 6/28/96

Posted for: Special Exemption & Variance

Petitioner: 303 N. Rolling Rd Portovis, Md

Location of Property: 303 N. Rolling Rd

Location of Sign: Large wooden sign on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. H. Kelly

Signature

Date of return: 7/5/96

Number of Signs: 1

MICROFILMED



96-507-XA

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

District 1

Posted for: CASE No. 96-507XA

Date of Posting 9/27/96

Petitioner: 303 N. Rolling Road Partnerships

Location of property: 303 N. Rolling Road

Location of Sign: \_\_\_\_\_

Remarks: \_\_\_\_\_

Posted by [Signature]

Signature

Date of return: 9-27-96

Number of Signs: 1



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BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

BY JLL 501

DATE

7/18/96

ACCOUNT

R0016150

AMOUNT \$

590.00

RECEIVED  
FROM:

THE DECKER GROUP INC.

FOR:

ISPX 300.00

FOR: 303 N. HOLLAND RD.

IVAR 250.00

ISAN 40.00

MICROFILMED

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

4/8

(901) 539-0513

MICHAEL GISRIEL  
ATTORNEY AT LAW

GISRIEL & GISRIEL  
SUITE 400  
210 E LEXINGTON ST

BALTIMORE, MD 21202



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 024836

DATE 8/20/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: F.B. Cascio

Variance Appeal - 175.00  
Sign - 35.00  
210.00

FOR: \_\_\_\_\_

MICROFILMED

01A00W0188MICHC \$210.00  
BA 6002-09AM08-29-96

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

Rye

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 024836

DATE 8/20/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: F.B. Cascio

Variance Appeal - 175.00  
Sign - 35.00  
210.00

FOR: \_\_\_\_\_

01A00W0188MICHC \$210.00  
BA 6002-09AM08-29-96

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

Rye

PETITION OF: 303 N. Rolling Rd Partnership

CIVIL ACTION # 3-C-97-06654

IN THE MATTER OF 303 N. Rolling Road  
(Parkside ALF)

RECEIVED FROM THE COUNTY BOARD OF  
APPEALS EXHIBITS, BOARD'S RECORD  
EXTRACT & TRANSCRIPT FILED IN THE  
ABOVE-ENTITLED CASE, AND ZONING  
COMMISSIONER'S FILE AND EXHIBITS

  
Clerk's Office

Date: Sept 4, 1997



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 501

Petitioner: 303 Rolling Road Partnership

Location: CATONSVILLE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PARKSIDE ASSISTED LIVING

ADDRESS: 303 N. ROLLING RD

Baltimore, MD 21228

PHONE NUMBER: 788-1152

AJ:ggs

(Revised 04/09/93)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY  
July 4, 1996 Issue - Jeffersonian

Please forward billing to:

Parkside Assisted Living  
303 N. Rolling Road  
Catonsville, Maryland 21228  
788-1152

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-507-XA (Item 501)  
303 N. Rolling Road Partnership  
W/S Rolling Road, 280' N of Beverly Road  
1st Election District - 1st Councilmanic  
Legal Owner(s): 303 N. Rolling Road Partnership

Special Exception for an Assisted Living Facility (ALF), Class B, to house up to a maximum 15 seniors.  
Variance to permit a 68 foot setback for structure in lieu of the required 75 foot setback requirement;  
to permit 58 foot setback for structure in lieu of the required 75 foot setback requirement; to permit  
parking/maneuvering area as close as 21 feet in 50 foot buffer and 75 foot setback as indicated on plan;  
and to permit building height of 40 feet in lieu of 35 feet within the 100 foot transition area.

HEARING: THURSDAY, JULY 18, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 28, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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parking/maneuvering area as close as 21 feet in 50 foot buffer and 75 foot setback as indicated on plan;  
and to permit building height of 40 feet in lieu of 35 feet within the 100 foot transition area.

HEARING: THURSDAY, JULY 18, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: 303 N. Rolling Road Partnership/Matt Decker  
Michael Gisriel, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

December 11, 1996

NOTICE OF ASSIGNMENT

CASE #: 96-507-XA

IN MATTER OF: 303 N. ROLLING ROAD PARTNERSHIP -  
Petitioner W/s N. Rolling Road, 280' N of Beverly  
Road 1st E; 1st C Districts

ASSIGNED FOR: TUESDAY, FEBRUARY 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco  
Legal Administrator

cc: Appellants /Protestants: Frederick B. Cascio

Kirby Spencer

Valerie Schwaab

Chris Brennan

Cathy Sidlowski

~~Charles Camp / Old Catonsville Comm Assn~~

Marita Cush / Catonsville Comm Consv. Assn

Mr. & Mrs. Ed Flynn

Mr. & Mrs. Matt Decker

Counsel for Petitioner: Michael Gisriel, Esquire

Petitioner : Richard Ainsworth

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty

Sent To  
M. Cush  
address.

MICROFILMED



LAW OFFICES

**GISRIEL & BRUSH, P.A.**

SUITE 400

210 EAST LEXINGTON STREET  
BALTIMORE, MARYLAND 21202-3514

6310 STEVENS FOREST ROAD  
SUITE 100  
COLUMBIA, MARYLAND 21046

300 FREDERICK ROAD  
SUITE 100  
CATONSVILLE, MARYLAND 21228

TEL: (410) 539-0513

(301) 585-1249 (WASH., D.C. AREA)

FAX: (410) 625-3859

120 SECOND STREET  
LAUREL, MARYLAND 20707

702 RUSSELL AVENUE  
SUITE 207  
GAITHERSBURG, MARYLAND 20877

January 13, 1997

County Board of Appeals  
Old Courthouse - Room 49  
400 Washington Avenue  
Towson, Maryland 21204  
Attn: Kathleen C. Bianco  
Legal Administrator

Re: Request for New Hearing Date  
Case No.: 96-507-XA  
In Matter Of: 303 N. Rolling Road  
Partnership-Petitioner W/s N. Rolling Road;  
280' N of Beverly Road 1st E; 1st C Districts

Dear Baltimore County Board of Appeals:

Regarding the above captioned matter which has currently been assigned a Hearing Date of Tuesday, February 18, 1997 at 10:00 A.M., I humbly ask for a new hearing date on a Friday. (I understand that you do not hear cases on Mondays which would be even better).

As you may know, I am a full-time Legislative Lobbyist in the Maryland General Assembly which is currently in the middle of its annual Legislative session. I have a conflict on Tuesdays, Wednesdays and Thursdays during the Session but I am available on Fridays and Mondays. Consequently, please, if possible, reschedule the above captioned matter for a Friday (or Monday) and then please notify me of the new date, time and place. I don't anticipate the Appeal to take more than 2 to 3 hours. Thank you for your kind attention to this matter. I am

Very truly yours,



Michael Gisriel

MG:wlf

cc: Richard Ainsworth, Petitioner

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

February 19, 1997

AMENDED NOTICE OF ASSIGNMENT /Day #2 \*\*

**\*\* Amended to reflect correct hearing date of April 17, 1997, in lieu of date shown on original Notice of Assignment /Day #2.**

CASE #: 96-507-XA

IN MATTER OF: 303 N. ROLLING ROAD PARTNERSHIP -  
Petitioner W/s N. Rolling Road, 280' N of Beverly  
Road 1st E; 1st C Districts

Continued from 2/18/97 /first hearing day to Hearing Day #2:

ASSIGNED FOR: THURSDAY, APRIL 17, 1997 at 10:00 a.m.

**NOTICE:** This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco  
Legal Administrator

cc: Appellants /Protestants: Frederick B. Cascio  
Kirby Spencer  
Valerie Schwaab  
Chris Brennan  
Cathy Sidlowski  
Charles Camp /Old Catonsville Comm Assn  
Marita Cush /Catonsville Comm Consv. Assn  
Mr. & Mrs. Ed Flynn

Mr. & Mrs. Matt Decker  
Counsel for Petitioner: Michael Gisriel, Esquire  
Petitioner : Richard Ainsworth

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty





Case No. 96-507-XA

303 N. Rolling Road Partnership - Petitioners

W/s N. Rolling Road, 280' N of Beverly  
Road (303 N. Rolling Road)

1st Election District

Appealed: 8/28/96

(see vicinity map attached)

**MICROFILMED**

(COPY OF PART OF PETITION)



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 24, 1996

Michael Gisriel, Esquire  
210 E. Lexington Street, Suite 400  
Baltimore, MD 21202

RE: Item No.: 501  
Case No.: 96-507-XA  
Petitioner: Matt Decker - Partner

Dear Mr. Gisriel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

NOT RECORDED



## INTEROFFICE CORRESPONDENCE

Date: July 5, 1996

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
For July 8, 1996  
Item No. 501

The Development Plans Review Division has reviewed the subject zoning item. Rolling Road is an existing road which shall ultimately be improved as a 50-foot street cross-section on a 70-foot right-of-way.

See the "GRIMES PROPERTY" subdivision file for additional information.

A Schematic Landscape Plan that conforms to the Baltimore County Landscape Manual must be prepared and submitted to this office.

RWB:HJO:jrb

cc: File

ZONE16B

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 07/03/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: 303 N. ROLLING ROAD PARTNER

Location: W/S ROLLING RD. 280' N OF BEVERLY RD. (303 N. ROLLING RD.)

Item No.: 501

Zoning Agenda: SPECIAL EXCEPTION/VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: July 9, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 497, 501, 509, 510, 512, 514, 515, 517, 518, 519 and 520

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Caryl L. Kerns*

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 7-1-96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: JULY 1, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

501

502

504

506

507

508

*Bruce Seeley*

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

6-28-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204


RE: Baltimore County  
Item No. 521 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-645-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 3, 1996

Michael Gisriel, Esquire  
210 E. Lexington Street, Suite 400  
Baltimore, MD 21202

RE: Petition for Zoning  
Variance  
W/S N. Rolling Rd., 280  
ft. N of Beverly Rd.  
1st Election District  
1st Councilmanic District  
303 N. Rolling Road  
Partnership - Petitioner  
Case No. 96-507-XA

Dear Mr. Gisriel:

Please be advised that an appeal of the above-referenced case was filed in this office on August 28, 1996 by Mr. Frederick B. Cascio, Ms. Valerie Schwaab, Mr. Kirby Spencer, Mr. Chris Brennan, Ms. Cathy Sidlowski, Mr. Charles Camp on behalf of the Old Catonsville Community Association, Ms. Marita Cush on behalf of the Catonsville Community Conservation Association, Mr. Ed Flynn, and Mrs. Lorie Flynn. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
Director

AJ:rye

cc: Mr. Richard Ainsworth  
People's Counsel

MICROFILMED



APPEAL

Petition for Zoning Variance  
W/S N. Rolling Rd., 280 ft. N. of Beverly Rd.  
1st Election District - 1st Councilmanic District  
303 N. Rolling Road Partnership - Petitioners  
Case No. 96-507-XA

Petition for Zoning Variance

Description of Property

Certificate of Posting

Entry of Appearance of People's Counsel

ZAC COMMENTS

Petitioners and Citizens Sign-In Sheet

Petitioners' Exhibits: 1 - Exhibit not Found  
2 - Exhibit not Found  
3 - Letter from Mr. Thomas B. McGee to Mr.  
John Lewis dated March 28, 1996  
4 - Plan to Accompany Special Hearing  
5 - Exhibit not Found

Protestants' Exhibits: 1 - Community Association Letter from North  
Rolling Road Community Association, Inc.  
to Lawrence Schmidt, Zoning Commissioner  
dated July 18, 1996

Letter from Michael Gisriel to Gwen dated June 18, 1996

Thirty Letters of Support

Two Letters of Opposition

Five Miscellaneous Correspondences

Zoning Commissioner's Order dated July 31, 1996 (Granted)

Notice of Appeal for Variance received on August 28, 1996 from Mr.  
Frederick B. Cascio, Ms. Valerie Schwaab, Mr. Kirby Spencer, Mr. Chris  
Brennan, Ms. Cathy Sidlowski, Mr. Charles Camp on behalf of the Old  
Catonsville Community Association, Ms. Marita Cush on behalf of the  
Catonsville Community Conservation Association, Mr. Ed Flynn, and Mrs.  
Lorie Flynn

cc: Michael Gisriel, Esquire, Gisriel and Gisriel, Suite 400, 210 E.  
Lexington Street, Baltimore, MD 21202  
Mr. Richard Ainsworth, 519 Cockeysville Rd, Reisterstown, MD 21136  
Mr. and Mrs. Matt Decker, 815 Hilltop Road, Catonsville, MD 21228  
Mr. F. B. Cascio, 217 N. Rolling Road, 21228  
Mr. Kirby Spencer, 11 N. Rolling Road, 21228  
Ms. Valerie Schwaab, 118 Oakdale Ave., 21228  
Mr. Chris Brennan, 102 Rosewood Ave., 21228  
Ms. Cathy Sidlowski, 1301 Summit Ave., 21228  
Ms. Marita Cush, 3 N. Beaumont Ave., 21228  
Mr. and Mrs. Ed Flynn, 130 Oakdale Ave., 21228  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

MICROFILMED

ADD TO FILE  
303 W. Rolling  
Road

Sonya S.  
Houtsoute

6502 Woodbridge  
Creek

27228-1126  
COPY OF  
OPINION  
SENT

APPEAL

Petition for Zoning Variance  
W/S N. Rolling Rd., 280 ft. N. of Beverly Rd.  
1st Election District - 1st Councilmanic District  
303 N. Rolling Road Partnership - Petitioners  
Case No. 96-507-XA

- ✓ PET. FOR SPECIAL EXCEPTION
- ✓ Petition for Zoning Variance
  - ✓ Description of Property
  - ✓ Certificate of Posting
  - ✓ CERTIFICATE OF PUBLICATION
  - ✓ Entry of Appearance of People's Counsel
  - ✓ Petitioners and Citizens Sign-In Sheet

Petitioners' Exhibits: 1 - Exhibit not Found  
2 - Exhibit not Found  
✓ 3 - Letter from Mr. Thomas B. McGee to Mr. John Lewis dated March 28, 1996  
4 - Plan to Accompany Special Hearing  
5 - Exhibit not Found

Protestants' Exhibits: ✓ 1 - Community Association Letter from North Rolling Road Community Association, Inc. to Lawrence Schmidt, Zoning Commissioner dated July 18, 1996

✓ Letter from Michael Gisriel to Gwen dated June 18, 1996

✓ Thirty Letters of Support

✓ Two Letters of Opposition

~~Five Miscellaneous Correspondences (ERRONEOUSLY ADDED)~~

✓ Zoning Commissioner's Order dated July 31, 1996 (Granted)

✓ Notice of Appeal for Variance received on August 28, 1996 from Mr. Frederick B. Cascio, Ms. Valerie Schwaab, Mr. Kirby Spencer, Mr. Chris Brennan, Ms. Cathy Sidlowski, Mr. Charles Camp on behalf of the Old Catonsville Community Association, Ms. Marita Cush on behalf of the Catonsville Community Conservation Association, Mr. Ed Flynn, and Mrs. Lorie Flynn

cc: Michael Gisriel, Esquire, Gisriel and Gisriel, Suite 400, 210 E. Lexington Street, Baltimore, MD 21202  
Mr. Richard Ainsworth, 519 Cockeysville Rd, Reisterstown, MD 21136  
Mr. and Mrs. Matt Decker, 815 Hilltop Road, Catonsville, MD 21228  
Mr. F. B. Cascio, 217 N. Rolling Road, 21228  
\* { ~~Mr. Kirby Spencer, 11 N. Rolling Road, 21228~~ ret'd twice by P.O. - unknown  
Ms. Valerie Schwaab, 118 Oakdale Ave., 21228  
Mr. Chris Brennan, 102 Rosewood Ave., 21228  
Ms. Cathy Sidlowski, 1301 Summit Ave., 21228  
Ms. Marita Cush, 3 N. Beaumont Ave., 21228 (✓ CHARLES CAMP)  
Mr. and Mrs. Ed Flynn, 130 Oakdale Ave., 21228  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

MICROFILMED

Civil Action No. 3-C-97-06654

May, 1996      Petitions for Special Exception and Variance filed by Michael Gisriel, Esquire, on behalf of 303 Rolling Road Partnership /Matt Decker -Gen. Partner; SE /Class B Assisted Living Facility (ALF) to house a maximum of 15 Seniors; and several VAR/ to permit a 68' front yard setback for a structure in lieu of required 75'; a 58' side yard setback for a structure in lieu of the required 75'; and to allow a parking /maneuvering area as close as 21' in lieu of the required 50' buffer and 75' setback; a building height of 40' in lieu of 35' for a building within the 100' RTA; and a sign -30" by 18" in area ilo the 2 sq. ft. max (sign VAR requested at hearing).

July            Hearing held on Petition by the Zoning Commissioner.

July 31        Order of the Z.C. in which Petition for Special Exception was GRANTED and Petition for Variance was GRANTED with Rs.

August 28     Notice of Appeal filed by Frederick Cascio, Valerie Schwaab, Kirby Spencer, Chris Brennan, Cathy Sidlowski, Charles Camp, and Marita J. Cush, Pres. of The Catonsville Comm. Cons. Ass.

February 18, 1997    Hearing before the Board of Appeals (Day #1).

April 17        Hearing before the Board of Appeals (Day #2 - concluded).

April 24        Deliberation conducted by the Board of Appeals.

June 4         Opinion and Order issued by the Board; Petition for Special Exception was DENIED; Petition for Variance was DENIED.

July 3          Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael Gisriel, Esquire, on behalf of 303 N. Rolling Road Partnership. (copy rec'd by CBA 7/8/97)

July 14         Certificate of Notice sent to interested parties.

July 24         Order issued by the Circuit Court for Baltimore County; Order of 6/4/97 is STAYED; 15 residents allowed to remain residents during the Judicial Review period.

September 4, 1997    Transcript of testimony filed; Record of Proceedings filed in the Circuit Court.

May 27, 1998    ✓ E Opinion and Order issued by the CCT; decision of the CBA is AFFIRMED (Alfred L. Brennan, Sr., J)

June, 1998      ✓ E Notice of Appeal filed in the CSA by Michael Gisriel, Esquire, on behalf of 303 N. Rolling Road Partnership.

Date ??         ✓ E. (11/99 - T/C to CCT for case status - docket indicates that the CSA issued a mandate - case dismissed).

MICROFILMED

Case No. 96-507-XA

SE -Class B Assisted Living Facility (ALF) for maximum 15 seniors; VAR -front and side setbacks; parking /maneuvering area buffer and setback; building height; sign

7/31/96 -Zoning Commissioner's Order in which Petitions for Special Exception and Variances GRANTED with restrictions.

---

12/11/96 -Notice of Assignment for hearing scheduled for Tuesday, February 18, 1997 at 10:00 a.m. sent to following:

Appellants /Protestants: Frederick B. Cascio  
Kirby Spencer  
Valerie Schwaab  
Chris Brennan  
Cathy Sidlowski  
Charles Camp /Old Catonsville Comm Assn  
Marita Cush /Catonsville Comm Conserv. Assn  
Mr. & Mrs. Ed Flynn

Mr. & Mrs. Matt Decker

Counsel for Petitioner: Michael Gisriel, Esquire

Petitioner : Richard Ainsworth

People's Counsel for Baltimore County

Pat Keller

Lawrence E. Schmidt

Arnold Jablon, Director /PDM

Virginia W. Barnhart, Co Atty

---

1/15/97 -Request for postponement /reassignment to Monday or Friday hearing day filed by Michael Gisriel, Esquire (lobbyist).

---

1/15/97 -Response from R. Schuetz to M. Gisriel; request denied. Board sits on Mon, Tues and Wed except in rare circumstances when Friday is used to continue a matter or if immediate hearing required by statute only.

---

2/18/97 -Concluded Day #1; continued to 4/17/96 for Day #2 (confirmed with parties and Board as to availability); notice to be sent.

- Notice of Assignment /Day #2 sent to parties; scheduled for Thursday, April 17, 1997 at 10:00 a.m. (R.B.C.)

---

2/19/97 -Amended Notice of Assignment for Day #2 sent this date; to correct date shown to April 17, 1997, in lieu of date shown on Notice issued 2/18/97.

---

4/17/97 -Hearing concluded before the Board (Day #2); to be deliberated on Thursday, April 24, 1997 at 10:00 a.m.; Notice of Deliberation sent this date. (R.B.C.)

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
303 N. Rolling Road, W/S Rolling Road,	*	COUNTY BOARD OF APPEALS
280' N of Beverly Road		
1st Election District, 1st Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: 303 N. Rolling Road	*	CASE NO.: 96-507-XA
Partnership		
Petitioner	*	
* * * * *		

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on the 9<sup>th</sup> day of April, 1997, at 3:50 a.m. (p.m.), I personally served the attached Subpoena upon JOHN LEWIS, Planner II, Baltimore County Department of Permits and Development Management, 111 W. Chesapeake Avenue, Room 111, Towson, MD 21204. Said Subpoena directed said witness to personally appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Thursday, April 17, 1997, at 10:00 a.m. in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

*Carol A. Fisher*

CAROL A. FISHER  
Office of the People's Counsel  
for Baltimore County  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

RECEIVED  
COUNTY BOARD OF APPEALS

97 APR -9 PM 4:56

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
303 N. Rolling Road, W/S Rolling Road,	*	COUNTY BOARD OF APPEALS
280' N of Beverly Road		
1st Election District, 1st Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: 303 N. Rolling Road	*	CASE NO.: 96-507-XA
Partnership		
Petitioner	*	

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to personally appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Thursday, April 17, 1997, at 10:00 a.m. in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

WITNESS: JOHN LEWIS, Planner II  
 Baltimore County Dept. of Permits and Development Management  
 111 W. Chesapeake Avenue, Room 111  
 Towson, MD 21204

*Peter Max Zimmerman*  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

The witness named above is hereby ORDERED to so appear before the County Board of Appeals. The Board requests ( ) the Sheriff, (X) Private Process Server, to issue the Summons set forth herein.

*Charlotte E. Radcliffe*  
 COUNTY BOARD OF APPEALS  
 OF BALTIMORE COUNTY

Cost: \$ _____	}	
Summoned: _____, 19__	}	SHERIFF OF BALTIMORE COUNTY
Not Served: _____, 19__	}	

RECEIVED  
 COUNTY BOARD OF APPEALS

97 APR -9 PM 3:05

MICROFILMED

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258

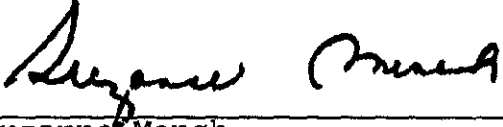
N O T I C E   O F   R E C O R D

Case Number: 03-C-97-006654  
Old Case number:  
C I V I L

In The Matter of:    303 N Rolling Road Partnership

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 4th day of September, 1997.

  
\_\_\_\_\_  
Suzanne Mensh  
Clerk of the Circuit Court, per



Date issued:    09/05/97

TO:    COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
      400 Washington Ave Room 49  
      Towson, MD 21204

97 SEP -9 AM 11:22  
RECEIVED  
COUNTY BOARD OF APPEALS

MICROFILMED



NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY  
CIVIL ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 BOSLEY AVENUE  
P.O. BOX 6754  
TOWSON, MD 21285-6754

County Board Of Appeals Of Baltimore County  
400 Washington Ave Room 4  
Towson MD 21204

Assignment Date: 10/17/97

Case Title: In The Matter of: 303 N Rolling Road Partnership  
Case No: 03-C-97-006654 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

**You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:**

**SCHEDULING ORDER**

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 11/01/97
2. All Motions (excluding Motions in Limine) are due by..... 12/12/97
3. TRIAL DATE is..... 01/21/98

Civil Non-Jury Trial, Start Time: 09:30AM; To Be Assigned; APPEAL: 1 HOUR

Honorable John Grason Turnbull II  
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Administrative Judge.

Settlement Conference (Room 507): All counsel and their clients **MUST** attend the settlement conference in person. All insurance representatives **MUST** attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs **MUST** be paid on the date of the settlement conference or trial.

cc: Baltimore County Zoning Commissioner  
cc: Frederick B Cascio  
cc: Kirby Spencer  
cc: Valerie Schwaab  
cc: Chris Brennan  
cc: Cathy Sidlowski  
cc: Edward Flynn  
cc: Carole Demilio

12:2 PM 12 OCT 96

RECEIVED  
COUNTY BOARD OF APPEALS

MICROFILMED

cc: Michael Gisriel Esq  
cc: Peter M Zimmerman  
Issue Date 10/17/97

MICROFILMED

CIRCUIT COURT FOR BALTIMORE COUNTY  
Suzanne Mensh  
Clerk of the Circuit Court  
County Courts Building  
401 Bosley Avenue  
P.O. Box 6754  
Towson, MD 21285-6754  
(410)-887-2601, TTY for Deaf: (800)-735-2258  
Maryland Toll Free Number (800) 938-5802

N O T I C E   O F   R E C O R D

Case Number: 03-C-97-011551  
Old Case number: *CBA-97-113*  
C I V I L

Employees Retirement System Of Baltimore County Maryland vs Dickhoff

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the record of Proceedings was filed on the 19th day of February, 1998.

*Suzanne Mensh*



Suzanne Mensh  
Clerk of the Circuit Court, per *D.F.*

Date issued: 02/20/98

TO: BOARD OF APPEALS OF BALTIMORE COUNTY MARYLAND

*400 Washington Ave., Rm. 49  
Towson, MD 21204*

RECEIVED  
COUNTY BOARD OF APPEALS  
98 FEB 24 PM 2:39

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

April 17, 1997

NOTICE OF DELIBERATION

Having begun this matter on February 18, 1997 and concluded testimony and evidence on April 17, 1997, deliberation has been scheduled by the Board as follows:

303 N. ROLLING ROAD PARTNERSHIP -Petitioner  
CASE NO. 96-507-XA

DATE AND TIME : Thursday, April 24, 1997 at 10:00 a.m.  
LOCATION : Room 48, Basement, Old Courthouse

Kathleen C. Bianco  
Legal Administrator

---

cc: Appellants /Protestants: Frederick B. Cascio  
Kirby ~~Spencer~~  
Valerie Schwaab  
Chris Brennan  
Cathy Sidlowski  
Charles Camp /Old Catonsville Comm Assn  
Marita Cush /Catonsville Comm Consv. Assn  
Mr. & Mrs. Ed Flynn

Mr. & Mrs. Matt Decker  
Counsel for Petitioner: Michael Gisriel, Esquire  
Petitioner : Richard Ainsworth

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty

Copied: R.B.C.

MICROFILMED



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: 303 N. Rolling Road Partnership -Petitioner  
Case No. 96-507-XA

DATE : Thursday, April 24, 1997 @ 10:00 a.m.

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)  
Harry E. Buchheister, Jr. (HEB)  
Charles L. Marks (CLM)

SECRETARY : Kathleen C. Bianco  
Legal Administrator

Those present at this deliberation included Michael Gisriel, Esquire, Counsel for Petitioners; and Peter Max Zimmerman, People's Counsel for Baltimore County.

ROS: Good morning, ladies and gentlemen. We are here this morning on Case No. 96-507-XA for the deliberation of 303 N. Rolling Road Partnership, a Class B assisted living facility, special exception and variances. I will caution everybody that this part of the proceeding is not included as part of the record. Minutes will be taken and will serve to indicate compliance with the open meetings law, and do not reflect the actual proceeding itself. It's important for you to understand that we are here to air our views, and you have been invited to attend.

I generally go first, and I think I should go first today as well. I'm always disturbed in situations where the voracity of information provided comes into question. That's about as far as I will go on that point. I was a student at the University of Maryland, and know they do not confer AA degrees. You can look in the record. Knowing that, the information which comes was called into question when weighing the credibility of the witnesses; have to be even more careful when scrutinizing what has been said and what has been presented. We had this case, which actually reminds me of a case we had some years ago -- the Liberty Road County Line case, which was a used car lot. We had a rather well-organized community association which presented I think an outstanding case; in the same way, Mr. Cascio did an outstanding job. We were overturned, I believe, on that particular case. There are occasions where I come down on the side of the communities. About a few weeks ago, I believe I came down on the side of the Petitioner for a Class A; in this case, I believe this case is fraught with, I will stop short of deception, but I have misgivings as to how the process was handled. I think, in short, that the law was not complied with in obtaining the special exception for the Class B.

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/ 303 N. Rolling Road Partnership

There are a couple of issues -- when you go to BCZR 432.5.B.1, Item d, it indicates that "Assisted living facilities, Class B, shall be subject to a compatibility finding pursuant to Section 26-282 of the Baltimore County Code." There is no such finding in the file, and nothing brought in this de novo proceeding. For those who are not accustomed to what requirements are of a de novo proceeding, essentially this Board considers what is brought before it as though nothing happened before. We have limited information before us to consider such matters, and I see nothing in the file which indicates we have a compatibility finding as prescribed by the zoning regulations and by the Code.

I believe that a compatibility finding with whatever associated review is required of the Office of Planning and any other entities would take into consideration -- would consider the relative enormity of the addition, especially given the method by which the County Council has prescribed that the percentage of alterations or addition to the gross floor area be calculated. It's instructive to know they are considering only the ground floor as denominator in calculation. And therefore I believe that a compatibility finding would have been most difficult for Petitioner.

That notwithstanding, we still have the issue of the special exception and what I believe to be a rather contentious issue between Petitioner and People's Counsel, Protestants notwithstanding. And that is that a special exception is presumed to be a correct use of the land but it still warrants special consideration, and in this particular case, the special consideration can come from a number of different sources, and here we have an old residential community, and in the light of how the County Council has decided these situations should be calculated, one ought to consider how much has to be taken into consideration about scope and size of the neighborhood, not to mention potential for what lies ahead. And therefore I side with People's Counsel in the argument that neighboring property of three parcels on red line drawing must be taken into consideration when looking at the special exception for a facility of this size and scope. Having made that finding, it is my believe that there is no way that there would be a finding that an addition of this size and scope would be found compatible with the surrounding neighborhood.

Recently I completed Golden Ring Yacht Basin, and deliberated that matter, having taken into consideration the surrounding area and it's important to do so. Having made those findings, I feel as though I am constrained to deny the special

exception, and I have only denied a few special exceptions in my four years on the Board. That renders other issues moot.

Generally we look at variances first to determine if possible to get to the special exception. I'm starting with the special exception because I feel strongly it was handled inappropriately. My heart goes out to Mr. Decker and Mr. Ainsworth; they did a beautiful job. But just because we can build 200 stories in New York City, can we do that here? Should we even do it in New York City? I think the size and scope of what was done on that property is not appropriate for this neighborhood.

Variances are almost moot, but I will address them. Variances themselves are necessitated by the addition. I agree that the building stood there and it has had setbacks and so forth as they are now for many, many years, but once you change the use, you go to use permit, that's one set of setbacks. Class A facility - you have it. But as soon as you change the use to a Class B, or other use, the Council has begun to recognize density in use and places restrictions on the Petitioner. You get to the uniqueness in Cromwell v. Ward -- the evidence and testimony is devoid of anything telling me this property is unique compared to others in the surrounding community. We have testimony there are several like properties. You have to look to a reasonable degree that are there other circumstances similar. We have that. Therefore, I cannot make a finding of uniqueness. Therefore, all variances must fail.

As to whether or not there is practical difficulty or unreasonable hardship, that is a test which the Court states one does not get to if you fail on uniqueness. I would say, yes, we do have practical difficulty, but was it unreasonable hardship. I don't know because it's self-imposed. Therefore, I would deny all variances. I would deny the special exception. I'm ready to hear from my colleagues.

CLM: In reviewing cases, I always like to begin from the beginning and trace the history of the project to the current time and applicability standards and case law. The facts in this case are relatively simple. Petitioner purchased a large home in the old Catonsville section of the County which is known County-wide that there are larger individual homes situated on larger parcels of land.

The property in question was used as a doctor's office and apparently an apartment dwelling. It became vacant when purchased by Parkside for the purpose of an assisted living facility. And to that end, a Class A license was applied for

Minutes of Deliberation /Case No. 96-507-XA  
/ 303 N. Rolling Road Partnership

and granted by the County. By the Code, Class A facilities are permitted by use permit. For the past two years, the owners have altered the original structure considerably. Without going into footages documented at the hearing, it seems that the modifications and additions resulted in current area of 35 percent. Mr. Ainsworth is 50 percent owner; indicated the amount of confusion in ALF requirements, but admitted he was on the committee for regulations governing ALFs. The building cost the partnership \$700,000 to \$800,000. Now permits each senior citizen the privilege of their own room. In his opinion, the building looks residential, better than what previously occupied the site; certainly has added value to the community. In fact, most residents residing in the facility are from Catonsville, and there is a waiting list.

He admitted that the additional construction took about 14 months before any permits were applied for and granted. They were for single family dwelling.

John Lewis provided testimony as to A and B facilities; "A" grants use provided there are no additions. Class A permit has been rescinded. What we have is a facility reconstructed on a permit based on a single-family dwelling. Operating under Class A permit now rescinded, and being asked to approve special exception and variances. It's the position of the Protestants that the County Council laid down specific guidelines which must be followed; not exempted by law; present operator is in violation of the law and the present facility is not compatible with the neighborhood.

Considering special exception 502, I am not going to repeat it -- is it deleterious to the locality involved? Section 432 permits such facilities provided they comply with the zone in which they are located, and all other provisions of the BCZR, except as modified, especially 432.4. Concern of the Protestants is that it is out of scale with existing properties; not so much the use but rather the size and scope of the building. Looks like a small hotel. Mr. Cascio indicated no objection to a Class A facility; objected to illegal construction of the present facility and future requests.

My review of the testimony and evidence did not disclose any evidence of substantial -- it would be conducted without real detriment to the neighborhood -- and would not affect public interests. The Board must assess each case. Unless there are strong facts or circumstances showing that the particular use has detrimental effects above and beyond those associated with



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such uses -- it must be approved.

Per each section of BCZR 502 -- the location had been approved as a Class A; number of additional residents would not, in and of itself, deny the special exception. However, I repeat, however, some of the special exception request is a request for variance. The standard for variance relief is quite different for that of a special exception. It's controlled by Section 307, and granted only in cases where special circumstances exist peculiar to the land or structure that is the subject of the request, and which would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals in Cromwell v. Ward, decided in 1995, construed this regulation to mean that obtaining a variance is a two-step process, first requiring a determination that the subject property is unique and unusual in a manner different from the surrounding properties so that uniqueness causes the zoning process to impact disproportionately on that property. The second prong is finding that denial would result in practical difficulty or unreasonable hardship. It is important to note that the first criteria is not the practical difficulty or hardship, but rather the determination as to whether or not the subject property is unusual or unique. It has been suggested that the change in usage of the building from residence to assisted living facility and expenditure of funds call for variance approval. However, in the zoning context, it does not refer to the extent of improvements on the property or neighboring properties. Uniqueness requires that subject property has an inherent character not shown by other properties in the area in shape, environmental factors, and so forth.

In reviewing the file, I could find no determinations that the property is unique or unusual. Indeed, upon examining photographs, the property itself, while large, is not unusual or different from other properties in the immediate area: D.R. 1 zone; just over one acre, not uncommon; no historical zone, but it is RTA zone.

On the question of practical difficulty or unreasonable hardship -- the property itself must contain special circumstances that relate to hardship; not economic loss on the part of the owner. To allow a variance where economic loss is cited makes a mockery of the process. Any hardship in this case is one which is self-created. Owner has knowledge of the zoning procedures, and may not be granted variance. I have no objection to the special exception being granted. However, I would deny each and every variance requested on the

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basis of case law.

ROS: You would grant the special exception and deny the variances?

CLM: That's correct.

HEB: I don't think I have to review all the notes I have here because the comments of my fellow Board members pretty much cover much of what I was going to say. I've driven by this property many times. From the very beginning, I was curious as to what was happening.

[At this point, HEB discussed briefly history of the location and what this particular location means to long-term residents of the area.]

It's still a landmark. I think it's become a very attractive location with this assisted living facility which has been put in place. I agree that the residence was in need of renovation, and a large house has been transformed into a great property. This assisted living facility, I would imagine it's a state of the art as an example for such facilities. But the uniqueness of the building is secondary to the application and meaning of the zoning regulations. This past week, there was a news item in the Sun highlighting the need for more consistent regulations in procedures for establishing and operating assisted living facilities, and apparently there are different requirements and expectations from agencies and the State, and the jurisdictions in granting permits and procedures. I think I recall early in the hearing testimony that Parkside was sort of at a loss at times; working in the dark because, some of the regulations, it may be they did not understand or were possibly avoided.

The change from a Class A to Class B facility and ramifications brought by that change as to the need for variances and special exception -- that change from A to B seemed to muddy the waters as to the legality of this renovation. The setback requirements cannot be satisfied for a Class B facility for one reason - the small house to the rear of the main building and a question of whether -- where was the front door -- rather simple thought to be put on a plan, but anyway, that alone was found to be a problem in granting the petition for variance. The thing that bothers me most is that the neighborhood residents felt misled and have been left with suspicions of memorandum in which the owner had perhaps constructed this renovation beyond what was originally approved. And even intended.

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These people accept readily a Class A facility, but Class B was obviously a better investment for the owners. The Protestants, practically all of them, mentioned that they do not like to perceive a repeat on other large lots in Catonsville; out of proportion to the neighborhood by this large annex.

One thing that troubles me, and I leave it to my co-Board members to correct me -- John Lewis testified at one point that, after the Class A permit had been approved, there were changes coming about, and he began consulting regularly with Parkside owners, and from what I presume, was giving advice and guidance on completion of Class B facility. I just cannot imagine that the inspectors or representatives of PDM could not have taken some stance on this violation. To the bewilderment of the community, they have an addition almost equal to the original residence. They have a structure and renovation that cost \$700,000; it's almost unbelievable that it reached the point where we are today. Now that construction is completed, we have heard Mr. Schuetz and Mr. Marks talk about laws to be applied. Do we authorize variances? Do we adhere strictly to Cromwell v. Ward? Is it too worthwhile to the community and County's needs to be reduced in some fashion to comply with the Class A authorization? This facility as it is, we know, fills a real need. However we decide in this deliberation, by procedures followed by the owners and their management, they seemed to set up a bad precedent that the citizens should not expect to happen elsewhere.

As I said, I have been by this facility many times. I rode up to it just last evening. I did not go inside, but I could see into some of the apartments; that this is a 4-star operation. But because of the violations and sometime illegal aspects of the total operation, and I am not sure in my capacity -- but I wonder if there should not be some restrictions placed on the facility as it is, and I hesitate to even suggest them. The citizens criticize and I will say -- what I'm saying at this point -- is that this needed, handsome facility improperly put into place, perhaps restrictions could satisfy the concerns of the citizens of the area with it being allowed to stay as it is. The citizens have criticized a large number of trash receptacles in view and set out by the roadside for pick-up by the County. I'm familiar with the assisted living facility of Catholic Charities on Winters Lane. They have private dumpsters to the rear of building. I'm thinking that this same process should be applied to Parkside; that a private contractor's dumpster be put in the rear of the building out of view. As of last night, I counted eight large

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trash receptacles in front of this building on Rolling Road.

The Parkside van was parked in the rear. It should always be there, except when discharging residents. I've driven by there many times when it was in front of the residence. As I speak, I realize that none of this can probably really be applied. May be only voluntary.

I think that the house to the rear cannot really justify the special exception, certainly the variances. This is a clincher; it should be removed. Finally, and I know what the possibilities of this are, I'm aware of places where it does happen -- covenants should be agreed to by the owner that the rear acreage can never be developed for no more than two single-family dwellings.

Are we going to deliberate this suggestion? I guess the legality of it -- I'm not a lawyer; I'm not sure. We have placed restrictions on things before. I just think that -- I guess the citizens here and those who participated in this and have fought for 14 months, I guess it requires the appellees -- that this renovated building, this large building out of proportion to others in the community -- it's still an eye-catcher and serves a good purpose -- I guess what I'm saying, Mr. Schuetz, is that I would grant the special exception. Whatever is necessary to allow this building to continue should be granted, but there should be protections brought to the community, and the people in question. I heard a lot of concerns about what happens to the acreage behind. I think, from my awareness of the need and efforts being brought to bear on providing such facilities, that the need for review of the total regulations that may be brought forward in the future by County or the State -- that this facility has merit. The tragedy is the manner in which the owners -- their advisor -- has gone about putting this place in the position in which it is.

ROS: Before we move on, I just wanted to take a quick score of where we are. I believe that you and Chuck are in favor of the special exception. And you are in favor of the variances?

HEB: I'm in favor of the house staying in place.

ROS: Correct -- in favor the variances. My position is that I am in the minority on the special exception. Chuck and I agree on the variances. There are a couple of issues to raise relative to this -- Mr. Gisriel quoted from Mr. Schmidt's opinion several times -- I do not usually read what he writes before I make up my mind. What he has written has zero

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/ 303 N. Rolling Road Partnership

bearing. Having made up my mind on the issues, I go back and read what Mr. Schmidt writes.

[At this point, Chairman Schuetz read from the Zoning Commissioner's decision, from the phrase "Protestants' chief concern" through "do not bear on the issues before me."]

**Return to deliberation:** I believe he is dead wrong. The special exception is a use. It does not go with the land. It is a use, and it is very telling how that use is sought. The spirit and intent of the zoning regulations is such that these regulations are supposed to be followed. And for anyone to say you can...still get what you want is consistent with the zoning regulations is wrong. Section 502.1 states "must" not "may" -- that falls apart here. Another place is "tend to overcrowd the land" -- that is another way that this petition falls. So that is why I addressed it first. Assuming for a moment that you did not look at the special exception first, it still requires, for a grant, that the variances be granted, so as a matter of law variances have to be granted before the special exception. They were self-created. It's a situation here where if you do not go for variances, the special exception fails. If you do go for the variances, it still fails. I may be getting a little vehement in my position, but I do believe strongly in the process. I feel badly for Mr. Ainsworth and Mr. Decker; they did an outstanding job. But that is no justification.

I don't know how much of their own money is in this, but that's not my concern. My concern is upholding 502 and 307.1. It has not been done in my view. I may not have convinced you, Harry, and you, Chuck. I may write a dissent.

**HEB:** One of the things I have been hearing from Mr. Marks' comments is that he concluded that the uniqueness -- I know it goes with the land itself; not the use of the building on it. This type of facility I was seeing as the unique need of bringing a special spirit to the community, of providing something for elderly people. But looking at the law, I can see now that that was an error -- that the Cromwell v. Ward aspect of unique and the fact that all other oversights brought to bear in this construction, that the special exception and variances should be denied. I will change my viewpoint on that.

**CLM:** One of the nice things I think about private deliberation as opposed to public is that individual members can express their individual aspects of the case. Board members cannot do that. We have to individually review the notes, testimony, exhibits

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/ 303 N. Rolling Road Partnership

and evidence, weigh it, and come to a conclusion. The purpose of public deliberation, such as we have today, is what might have been conducted in private. Because none of us had expressed our views prior to today -- Mr. Schuetz may have brought out points that maybe I missed -- the use of a special exception is presumed to be a valid one, but in this case, we have a question that you do not have a valid use here. The building was constructed without permits. It's operating illegally. When you look at the spirit and intent of the law, you kind of miss its intended end. There are certain rules and regulations that need to be followed -- not made by this Board but by the County Council. Ultimately the person who pays the penalty is the person who violated the rules. Having said that, I concur that the special exception and variances should both be denied.

ROS: We are unanimous. The Board will issue a written opinion and order pursuant to these proceedings. Any petition for judicial review will be from the date of that written Order and not necessarily today's date.

Thank you very kindly.

\*\*\*\*\*

Respectfully submitted,

  
Kathleen C. Bianco



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

January 21, 1999

Mr. Matt Decker  
303 Rolling Road Partnership  
303 N. Rolling Road  
Catonsville, Maryland 21228

Dear Mr. Decker:

RE: 303 N. Rolling Rd., AKA Parkside Senior Assisted Living, Zoning Case #96-507-XA,  
1st Election District

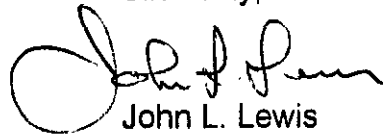
This letter serves to confirm that the zoning staff has reviewed your building area plans for the above address as it relates to your proposed (future) reapplication for a Class "A" assisted living facility for the elderly.

The staff has determined that (even when allowing an exclusion for the basement) the total area of new building construction of the 1st, 2nd and 3rd floor is a minimum of 112% larger than the permitted area of building increase. Regretfully, due to this conflict with the definition of an assisted living facility Class "A", we cannot see a way to approve this proposed plan.

You, of course, may have a zoning special hearing before the Zoning Commissioner should you disagree with this determination.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

  
John L. Lewis  
Planner II  
Zoning Review

JLL:cjs

c: Mr. Mike Gisrael, Esquire, 210 E. Lexington Street, Suite 400, Baltimore, MD. 21202  
Peter Zimmerman, Esquire, People's Counsel  
Mr. Fred Cascio, 217 N. Rolling Road, Baltimore, MD. 21228  
Zoning Case #96-507-XA  
303 N. Rolling Road ALF file

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: December 20, 1999  
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*  
County Board of Appeals

SUBJECT: Closed Files:  
Case Nos.: 95-355-A /John Blasy  
              96-60-XA /Club 101  
              96-507-XA /303 N. Rolling Rd Partnership

Since no further appeals have been taken from the upper court opinions, we are hereby closing and returning the Board's case files to you herewith. The original files and exhibits were returned to your office by John Almond, Records Manager /CCT on November 2, 1999.

Attachments: Case Nos. 95-355-A; 96-60-XA; & 96-507-XA

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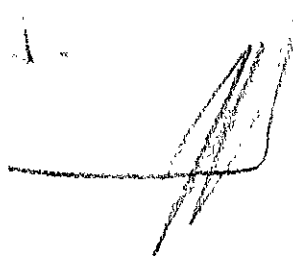
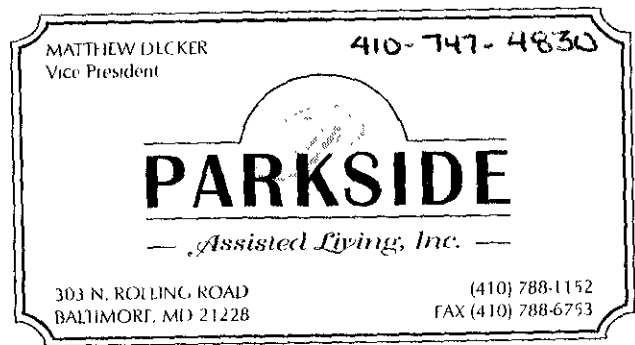


WCR

11:49  
1-11-97

Matt Decker

Will drop off ~~old~~  
DRAWINGS  
afternoon.



MICROFILMED

TO: Mr. Carl Richards

Code Inspections and  
Enforcement  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

From: MATT DECKER

MSG TO MATT D.

1/11/98 NEED #5 TO GO

with color overlay also ~~any~~ colors  
Bsm't should be black, storage w/ 1st flr counts  
2nd

How will  
3rd flr be  
not livable  
per BOCA.

"PARKSIDE  
~~ASSISTED~~

LIVING"

- 303 N. ROLLING ROAD
- CATONSVILLE, MD 21228

July 18, 1996



(410)  
539-0513

ITEM 501

MICHAEL GISRIEL  
ATTORNEY AT LAW

GISRIEL & GISRIEL  
SUITE 400  
210 E. LEXINGTON ST

BALTIMORE, MD 21202

WEN.

~~CONFIDENTIAL~~

6/18/96

Due to the unusual +  
unexpected delays in the  
approval process + request for  
Sp Exemption/Variance for  
303 N. Delby Rd - ALF +  
Due to the Elderly Population  
Resident for ALF/Housing at  
this location, we humbly request

an Expedited Review date on  
our Sp Exemption/Variance Request - This  
539-0513 - Mike Hall

MICROFILMED

Rd) 303 N. Rolling Rd

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

- MIKE GISRIEL, atty

569-0513 - 210 E Longfist St Balt

- THERESA ADAMS

719-0011 - 306 WESTDUNE RD - Balt. 21202  
21229

~~Richard Adams~~

519 Cockeysville Rd, BELTERTOWN, MD. 21136

MATT DECKER

815 Hilltop Rd 21228

Margaret Decker

815 Hilltop Rd 21228

MICROFILMED

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

FB. CASCIO

217 N. Rolling Rd. CATONSVILLE MD 21228

Valerie Schwager

118 Oakdale Ave 21228

STUART BARNETT, Pres. NARCA, Inc

104 N Rolling Rd 130th Md 21228

KIRBY SPENCER

11 N. Beechwood Ave 21228

Cathy Sidlowski

1301 Summit Ave 21228

Chris Brennan

102 Rosewood Ave Catonsville 21228

MICROFILMED

DATE:

**CASE:**

96-507-XA

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

Check if you wish to testify.	Name/Address Phone No.	(Community Group You Represent?) Basis of Your Concerns
✓	Chris Brennan	Old Catonsville Neighborhood Assoc.
✓	KIRBY SPENCER CATHY SIDLOWSKI	Old Catonsville Neighborhood Assoc. 11
✓	Valerie Schumacher JOHN L. SCHNEIDER 122 N. Rolling Rd. 744-1945 Berchie R. Masley 4023 Montemar Ave. 747-7419	118 Oakdale Catonsville N. ROLLING RD COMM. ASSOC Amendment of the Act. - Bill 188-93
✓	Michael Cook FRED CASCIO CATONSVILLE 217 N. Rolling Rd 21228/7448070	Dept of Aging - Housing Co. N. Rolling Rd Comm. Assoc.

MICROFILMED

In Re: Petition for Special  
Exception and Variance.  
W/S N. Rolling Rd., 280 ft. N. of  
Beverly Rd.  
1st Election District  
1st Councilmanic District  
303 N Rolling Road Partnership  
Petitioner

Mr. Arnold Jablon  
Director of Permits & Dev. Mgt.  
111 West Chesapeake Ave.  
Towson Md. 21204

August 27, 1996

Dear Mr Jablon,

On behalf of the undersigned, please enter an appeal to the Baltimore County Board of Zoning Appeals, to appeal the decision of Commissioner Lawrence E. Schmidt, dated July 31, 1996. The case #96-507 XA, regarding variances approved for the property known as "PARKSIDE ASSISTED LIVING," located at 303 N. Rolling Road, Catonsville.

Enclosed you will find a check in the amount of \$210.00 to cover the fees for sign posting, (\$35), and Appeal of variances, (\$175), on the above case.

Frederick B. Cascio

217 N. Rolling Rd. Catonsville

*Frederick B. Cascio*

Valerie Schwaab

118 Oakdale Ave. Catonsville

*Valerie R. Schwaab*

Kirby Spencer

11 N. Beechwood Ave. Catonsville

*KIRBY SPENCER*

Chris Brennan

102 Rosewood Ave. Catonsville

*Chris Brennan*

Cathy Sidlowski

1301 Summit Ave. Catonsville

*Cathy Sidlowski*

The Old Catonsville Community  
Association

Charles Camp, President

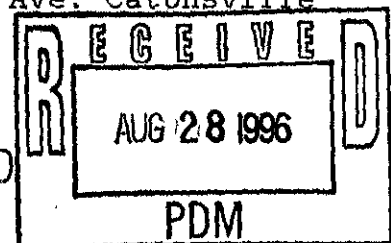
*Charles Camp*

The Catonsville Community  
Conservation Association  
Marita Cush, President

3 N. Beaumont Ave. Catonsville

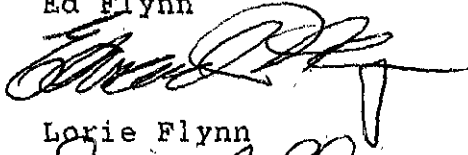
*Marita J. Cush*

MICROFILMED

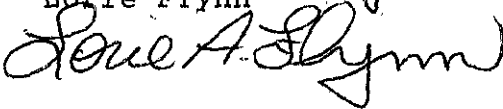


PAGE 2

Ed Flynn



Lorie Flynn



~~The North Rolling Rd.~~  
~~Community Association~~  
~~Stuart Bennett, President~~

130 Oakdale Ave. Catonsville

130 Oakdale Ave. Catonsville

~~104 N. Rolling Rd. Catonsville~~





102 Smithwood Avenue • Catonsville, MD 21228 • (410) 788-0656

TO: Larry Schmidt, Baltimore County Dept. of Zoning

RE: Public Hearing on 303 North Rolling Road

DATE: 7/18/96

We are representatives of the Old Catonsville Neighborhood Association who would like to register our objection to the special exception filed for this property. Despite the facts that the developer has constructed a three story addition which greatly exceeds the 25% allowed by law without the proper building permits as mandated by county government, has not addressed sediment control issues and has not sought community input regarding this project, our objection to the requested variances on this property centers on the expanded size of the proposed operation.

This property, which was formerly apartments and then a single family home in the grand Victorian style, would now be operated as a commercial establishment. Where families were once raised, employees and medical personnel will now be coming and going 24 hours a day, patients will be transported to and from by ambulances and a multitude of family visitors for the proposed 15 bed facility will create traffic, noise and parking problems.

While the architectural improvements to the property and even the unlawful addition are certainly attractive, lost forever is the appearance of a family home. The house at 303 North Rolling Road was already one of the largest houses in the area. As you now know, the developer has unlawfully constructed an addition to this property without a building permit and without providing for a forum wherein community residents might state their objections. The size of the addition put on this property can do nothing but take it out of the realm of the residential and into the area of an obviously commercial establishment.

In Catonsville, it is difficult enough to encourage families to purchase and maintain homes of this size. By allowing an expanded commercial operation of this nature, complete with signage, the county is contributing to the decline of our single family community. While no one property will ruin the quality of life or welfare of Catonsville, this creeping influx of properties altered inappropriately to fit business needs is in juxtaposition to the county's community conservation

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efforts and our organization's goals to keep a balance between the commercial and the residential. If the county legitimizes this unlawful addition with its requested variances, it will have effectively encroached the commercial district that much further onto the residential and even more jeopardized the possibilities of single family life on North Rolling Road.

Many certified Assisted Living Facilities operate efficiently and profitably within their original square footage. A house converted to an ALF and operated in compliance with government regulations without substantial exterior expansion while maintaining the existing "family" residential feel of the surrounding neighborhood can have a place in the community. An example of such a facility is evidenced by the ALF at 101 North Beechwood Avenue, which is literally in the center of our community and has been in operation without an addition to the original structure, without signage and which maintains the appearance of a family home. The only outward indicators of the business existing within are: the traffic, frequency of ambulance service, the large volume of trash generated and the number of visitors. All of these factors, which are generated by an 8 bedroom facility, would be greatly magnified by the proposed 15 bedroom facility at 303 North Rolling Road.

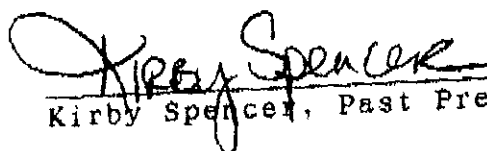
As concerned community members, we respectfully request that the building on this property be restored to its original size. There are valid reasons why the government has seen fit to limit the size of additions that can be put on properties; obviously, size is a primary indicator of whether a structure is in keeping with the character of a neighborhood. For the developer to have flagrantly violated this precept without community input is an outrage. Once the addition has been removed, any future requests for change in use or for expansion can occur within the framework mandated by law. Proper building permits can be secured prior to construction, rather than after, and all interested parties can be informed in a timely fashion and given due process.

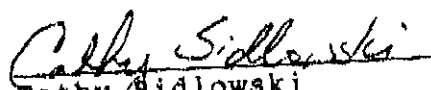
Moreover, despite the opinion given at this morning's hearing - i.e. that the negligence of the developer to follow even the most rudimentary of building code rules and regulations has no bearing on the decision rendered regarding the variances - any responsible tax-paying citizen of this jurisdiction must ask the question of whether there is any incentive for a builder/developer to go through the permit process. The average home remodeler can endure the twice weekly inspections from building code enforcement while big players such as those in this case can erect \$700,000 additions and know that the county will approve it fait accompli rather than force the economic hardship on the developer of beginning over on the right course. While we realize it is not the function of this hearing to set

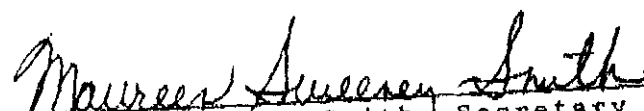
legislation, it is certainly within their purview to direct attention. If the county allows a company as large as the Decker group to successfully plead ignorance regarding the securing of building permits on a project of this magnitude, it may as well invite any and all future companies to do the same. It makes no sense for a legislative body to set up building code guidelines complete with inspectors - and then not only refuse to enforce them, but to give violators the same standing in a hearing as those who do follow the guidelines.


As community members who will be living with the results of your decision, we implore you to consider these quality of life issues on our behalf. After all, for us, this is not just a place of business, but our neighborhood and our home.

Old Catonsville Neighborhood Association

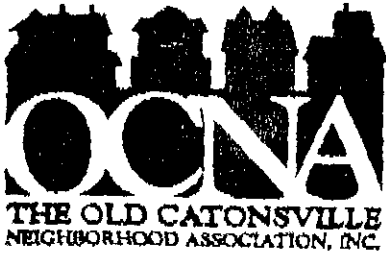
  
Kirby Spencer, Past President

  
Cathy Sidlowski  
Treasurer

  
Maureen Sweeney-Smith, Secretary

  
Chris Brennan  
Past President

7/23/96  
TO LS  
8



102 Smithwood Avenue • Catonsville, MD 21228 • (410) 788-0656 Fax (410) 455-0852

## FAX TRANSMITTAL

DATE: 7/22/96 FAX #: 887-5708

TO: Arnold Jahlon

FROM: Maureen Sweeney Smith 410-788-0656 Fax: 410-455-0852

TOTAL PAGES (including cover sheet): 4

ADDITIONAL INFORMATION: \_\_\_\_\_

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IN THE MATTER OF \* BEFORE THE  
303 N. ROLLING ROAD \* COUNTY BOARD OF APPEALS  
PARTNERSHIP - PETITIONER \* OF  
FOR SPECIAL EXCEPTION AND \* BALTIMORE COUNTY  
VARIANCES ON PROPERTY \* Case No. 96-507-XA  
LOCATED ON WEST SIDE \* April 17, 1997  
NORTH ROLLING ROAD, 280' \*  
WEST OF BEVERLY ROAD \*  
1st ELECTION DISTRICT \*  
1st COUNCILMANIC DISTRICT \*

\* \* \* \* \*

The above-entitled matter came on for hearing

before the County Board of Appeals of Baltimore County at

the Old Courthouse, 401 Washington Avenue, Towson,

Maryland 21204 at 10:40 a.m., April 17, 1997.

\* \* \* \* \*

Reported by:

C.E. Peatt

11/14/99  
John.  
This is from  
Pete Zimmerman  
look at page marked.

Carl

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1 the addition.

2 We also will have Fred Cascio a little later,  
3 several citizens from Old Catonsville, and the neighbors  
4 who we hope will probably be relatively brief.

5 We also will bring in John Lewis to clarify some  
6 points about the process, and we'll move along as well as  
7 we can.

8 THE CHAIRMAN: Okay.

9 MR. ZIMMERMAN: Mr. John Schneider.

10 THE CHAIRMAN: Good morning, Mr. Schneider.

11 JOHN SCHNEIDER,

12 having been called as a witness, was duly sworn and  
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. ZIMMERMAN:

16 Q. Please state your name and address.

17 A. John Schneider, 100 North Rolling Road,  
18 Catonsville, Maryland.

19 Q. You happen to live in the neighborhood where the  
20 assisted living facility is proposed?

21 A. Yes.

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1 Q. About how far away?

2 A. It's -- my street is 100. The address up there  
3 is the 300 block.

4 Q. You also have a background as a civil engineer?

5 A. Yes. I am a registered professional engineer in  
6 the State of Maryland.

7 Q. Briefly, what is your educational background?

8 A. I graduated from the University of Maryland in  
9 1966. Registration in Maryland in 1970. I have been  
10 self-employed since 1976.

11 Q. Within the last month or so, did Mr. Fred Cascio  
12 contact you to look at some materials and site plans  
13 relating to the subject case?

14 A. Yes.

15 Q. Were you asked to attempt to review and verify  
16 the dimensions both of what we have been calling the  
17 existing home and the addition at 303 North Rolling Road?

18 A. Yes.

19 Q. Mr. Cascio showed you some material, did he not?

20 A. Yes.

21 Q. Before we get into that, let me show you a set of

1 four pages, a copy of which has been provided to Mr.  
2 Gisriel.

3 MR. ZIMMERMAN: We'll identify this as People's  
4 Counsel Exhibit -- let's see where we are. Twelve? I'm  
5 sorry. Five? We are up to five? Am I right, Mr.  
6 Buchheister?

7 MR. BUCHHEISTER: I'm sorry. Five.

8 MR. ZIMMERMAN: The witness has a copy and we  
9 have an extra for the Board.

10 Q. Mr. Schneider, before we get into that, I show  
11 you a document that you reviewed?

12 A. Yes, I have reviewed it. It was prepared by Mr.  
13 Cascio, and I have reviewed it. I see no objections to  
14 the sizes. There's a certain amount of scaling, so forth,  
15 that's required from the plans.

16 Q. Mr. Schneider, did you review the site plan --

17 A. Yes.

18 Q. -- that's been entered into evidence? A copy of  
19 which I am going to show you, that was dated June 18,  
20 1996, and it's actually Petitioner's Exhibit No. 1,

21 A. Yes.

1 Q. And this morning, did you also take a look at  
2 what's been marked as Petitioner's 11, and at mine from  
3 the zoning file?

4 A. Yes, I did.

5 Q. Both of those plans show the existing two and a  
6 half story home as well as the addition?

7 A. That is correct.

8 Q. Just to clarify for the Board, what have you  
9 found to be the footprint, the ground floor area, of the  
10 existing home?

11 A. The --

12 Q. Including the porch area, before any addition.

13 A. Right.

14 Q. If so, can we have that number?

15 A. The largest number that we can come up with is  
16 1779 square feet.

17 Q. Does that include the porch?

18 A. Includes the porch.

19 Q. How did you arrive at that?

20 A. It's my scaling the existing structure as shown  
21 on the plan.

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Q. That's something you normally do as an engineer?

A. Yes.

Q. Then the addition has a ground floor area of what? And then tell us, compute the number of floors?

A. The ground floor area is 26-by-26, or 677, 676 square feet.

Q. Considering the basement and three floors, what do you get?

A. That with the basement and two and a half floors, it's 2366 square feet.

Q. And did you compute the fraction -- if you take the total square footage of the addition, all floors, and using that as numerator, and then the ground floor footprint of the existing building as the denominator, what do you get as a percentage?

A. A hundred thirty-three percent.

Q. Just to clarify, I showed you this morning from Petitioner's Exhibit 11, there's a rectangular note or marked in red, showing existing square footage of the house as 6381 square feet.

THE CHAIRMAN: Excuse me a second, Pete. I am

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trying to get your math squared away, Mr. Schneider. You have got the first floor footprint of 1779?

THE WITNESS: YES.

MR. ZIMMERMAN: Existing?

THE CHAIRMAN: Right. And the addition of 676 square feet. And the addition is?

THE WITNESS: Two and a half stories and a basement.

THE CHAIRMAN: Okay.

THE WITNESS: 2366.

THE CHAIRMAN: Okay. And the original structure, you only used the first floor footprint to compare against the total addition?

THE WITNESS: This is what I understand is supposed to be used for calculations for the addition.

MR. ZIMMERMAN: Mr. Lewis will testify on that, and I don't want to argue the case now. The definition in Section 101 refers to ground floor area of the original building, but it does not so limit it.

MR. GISRIEL: I am going to make a technical objection, just to clarify for the record.

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1 THE CHAIRMAN: I will grant it just to maybe move  
2 this along, that I think what Peter is talking about is  
3 the definition of Section 101 --

4 MR. ZIMMERMAN: Section 101 for assisted living  
5 facility, Class B, talks about certain provisions which I  
6 am going to -- it may help if I give a copy to the Board.

7 MR. GISRIEL: That's 101?

8 MR. ZIMMERMAN: Yes.

9 MR. GISRIEL: So we can focus on this and then  
10 let him proceed.

11 MR. ZIMMERMAN: You know, it may be Mr. Gisriel  
12 and I will argue it at the end of the case.

13 MR. GISRIEL: You took my first page.

14 MR. ZIMMERMAN: Did I? The Board can ultimately  
15 make a ruling, but we wanted to clarify what some of these  
16 numbers were that were given the 1st time, that the 6481,  
17 shown by Petitioner's Exhibit 11, is existing square  
18 footage of the house, clearly did not intend to give the  
19 footprint. That's their view of what the entire house is,  
20 all stories.

21 Whether we agree or not about the precise number,

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1 6481, it's not a number for the footprint. It's a number  
2 for all stories combined.

3 THE CHAIRMAN: And that's exactly the question  
4 that I asked is from what he has provided. I just want  
5 clarification what his math was, that's all.

6 MR. GISRIEL: As part of my objection --

7 MR. ZIMMERMAN: I'm sorry I triggered --

8 MR. GISRIEL: In the case of 6481, the proposed  
9 square footage is 284 which is thirty-five percent of the  
10 square footage of the house.

11 What Mr. Zimmerman is saying, that the county  
12 statute refers to twenty-five percent or more of the  
13 ground floor area, I will grant him that he's correct.

14 We buy the calculation the ground floor area is  
15 2589 as opposed to 1779, but be that as it may --

16 THE CHAIRMAN: Mr. Gisriel, before we get into  
17 argument --

18 MR. GISRIEL: I am going to make an objection.  
19 The objection is that I don't think any of this is really  
20 relevant because we are clearly in the Class B, so it says  
21 twenty-five percent or more.

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1 So whether it's twenty-five percent or eighty  
2 percent or a hundred percent, we are still in a Class B.  
3 So it's really a distinction without a difference in that  
4 we're still within the Class B. And we will concede that  
5 it is greater than twenty-five five percent of the ground  
6 floor area.

7 Whether it's twenty-five percent, eighty or a  
8 hundred, I don't think it's really relevant, because we  
9 are before the Board for a Class B, and that's my  
10 objection.

11 We'll stipulate it is somewhere between eighty  
12 percent to a hundred percent of the ground floor  
13 footprint.

14 THE CHAIRMAN: Overruled. Okay. Still a special  
15 exception.

16 MR. GISRIEL: Okay.

17 MR. ZIMMERMAN: Did the witness sufficiently  
18 answer the Chairman's questions?

19 THE CHAIRMAN: That's exactly what I wanted him  
20 to tell me, how his math was expressed here. I didn't want  
21 to get -- we will get into argument later.

1 THE CHAIRMAN: Mr. Gisriel?

2 MR. GISRIEL: I just have one or two quick  
3 questions.

4 CROSS EXAMINATION

5 BY MR. GISRIEL:

6 Q. Mr. Schneider, your Petitioner's 5 has -- you  
7 have the total first floor footprint of main structure and  
8 porch enclosure, 1779 square feet?

9 A. That is correct.

10 Q. And if I tell you that our calculations of the  
11 footprint is 2589 square feet, would it surprise you? You  
12 did your measurements off the plan?

13 A. That is correct.

14 Q. And if I tell you the field measurements are 2589  
15 square feet, would that surprise you?

16 A. Yes, it would.

17 Q. You included the main structure as well as all  
18 the porches?

19 A. Not all the porches. Well, there are -- you can  
20 see in the back there are areas that were used, so forth,  
21 for calculations.

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1 MR. GISRIEL: That's fine. I wanted to clarify  
2 that.

3 MR. ZIMMERMAN Okay.

4 THE CHAIRMAN: But it's still a special  
5 exception.

6 MR. GISRIEL: Right.

7 Q. Just to clarify, Mr. Schneider, you actually did  
8 take a ruler out and scale what is shown on precisely the  
9 same on both site plans prepared by an engineer for the  
10 petitioner, correct?

11 A. That's correct.

12 Q. And you didn't do a field study?

13 A. No, I did not measure the building. Just  
14 strictly from the plans.

15 Q. From an engineering point of view, you're  
16 satisfied with the calculations presented on People's  
17 Counsel No. 5?

18 A. Yes. And on the later pages you can see the  
19 dimensions that were assumed are going to scale.

20 MR. ZIMMERMAN: That's all I have of this  
21 witness.

1 Q. But your studies were done off the plans?

2 A. That is correct.

3 Q. And not in the field measurements?

4 A. Correct.

5 MR. GISRIEL: No further questions.

6 THE WITNESS: Normally, square footage --

7 THE CHAIRMAN: Excuse me, Mr. Schneider. You  
8 don't have a question before you.

9 MR. ZIMMERMAN: Mr. Cascio would like to ask a  
10 question in the nature of redirect.

11 THE CHAIRMAN: We'll allow redirect, keeping in  
12 mind you're within the scope of cross.

13 REDIRECT EXAMINATION

14 BY MR. CASCIO:

15 Q. Yes. Mr. Schneider, on the ground foot area, if  
16 you look on the back page, the third page, where it says  
17 development plan, a resubdivision of the Grimes property?

18 A. Yes.

19 Q. Would you calculate into that square footage the  
20 first floor footprint under enclosed porch?

21 A. No.



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Q. Could you explain why?

A. Porches are not normally closed, not normally included in square foot living space, open porches.

Q. Would you calculate in there a porch that had been previously enclosed?

A. Previously enclosed? It would be included.

MR. CASCIO: That's all. Thank you.

MR. GISRIEL: I have some, very briefly.

RE-CROSS EXAMINATION

BY MR. GISRIEL:

Q. So you didn't include the porches. Why is that?

A. They are not normally included as living space.

Q. Normally defined by who?

A. Defined by me today, okay, because I normally don't do it.

Q. Would it surprise you to know if it includes two walls, then it is normally included?

A. If it includes two walls?

Q. If it includes two walls? My understanding of the county.

A. It would surprise me.

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Q. You accept that we disagree with your interpretation?

A. Yes.

Q. By about 700 square feet?

A. Yes.

MR. GISRIEL: That's all.

MR. ZIMMERMAN: That's all. Thank you, Mr. Schneider. I appreciate you're coming up.

Christine Brennan.

CHRISTINE BRENNAN,  
having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. ZIMMERMAN:

Q. Please state your name and address.

A. My name is Christine Brennan, 102 Rosewood Avenue, Catonsville.

Q. Are you a member of the Old Catonsville Neighborhood Association?

A. Right.

Q. Do you have a position in the association?

1 A. I'm on the board of directors.

2 Q. How long have you lived in Old Catonsville?

3 A. Eleven and a half years.

4 Q. I think we had some geography about Old

5 Catonsville on the first day, but why don't you briefly

6 describe the character of the neighborhood of Old

7 Catonsville?

8 A. Okay. The east and west boundaries would be

9 Oakdale Avenue on the east, Summit Avenue on the west,

10 Frederick Avenue on the south, and Edmondson Avenue on the  
11 north.

12 Q. Do you know the approximate membership of your  
13 association?

14 A. The neighborhood association includes about 320  
15 or thirty homes, roughly.

16 Q. About how far from Edmondson Avenue, the north  
17 boundary, is the subject property on Rolling Road?

18 A. I am guessing a quarter of a mile, an eighth of a  
19 mile, something like that. You can walk.

20 Q. What concerns, if any, do you have about the  
21 proposed assisted living facility Class B on your

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1 neighborhood?

2 A. Our concerns --

3 THE CHAIRMAN: Just a moment. Is this witness  
4 here on behalf of the neighborhood or is she speaking as  
5 an individual?

6 MR. ZIMMERMAN: We also have the president here.

7 THE CHAIRMAN: Are you authorized?

8 THE WITNESS: I am.

9 Q. Have you been authorized to represent the  
10 neighborhood association?

11 A. That's correct.

12 MR. ZIMMERMAN: I believe we have in evidence,  
13 Mr. Chairman -- I thought we had the Old Catonsville  
14 Association --

15 THE CHAIRMAN: Excuse me. I believe it's the  
16 Protestants' exhibit. Yes, we have in evidence Rule 8  
17 material.

18 MR. GISRIEL: I will just let the Board make a  
19 ruling whether they think that's sufficient..

20 THE CHAIRMAN: Normally, I wouldn't say anything,  
21 but the rules are the rules.

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What is there to say that this structure itself will not expand and expand and expand, since it has -- well, we are not quite sure, but supposedly two acres in the back lot.

Q. Just to clarify one thing, Paradise is not in Old Catonsville?

A. No. It's inside the beltway.

Q. Just several miles away?

A. Uh-huh.

Q. That's not in this particular neighborhood?

A. No.

MR. ZIMMERMAN: That's all I have.

THE CHAIRMAN: Mr. Cascio?

MR. CASCIO: I have no questions, sir. Thank you

THE CHAIRMAN: Mr. Gisriel.

CROSS EXAMINATION

BY MR. GISRIEL:

Q. Couple questions. So that's a former use, the five apartments and an office?

A. Uh-huh.

Q. This use now would have fifteen residents. And

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the one next to you has twelve?

A. To my last knowledge.

Q. So what's the difference between twelve and fifteen down the road? Are you really objecting in terms of the use?

A. I'm not going to profess to be a professional on the assisted facility industry, but twelve people in the existing building I would have thought would be a good service to the community, a high profitability for the owner.

And it would seem to still be in keeping with the community houses that are in that area. Of the two or three apartments on Rolling Road, they all house fewer people than the assisted living facility does.

Q. So is it fair to say you really object not so much to the use of the existing use there, as to the way Mr. Ainsworth is running it, as to the way the process -- the way it got to be where it is, is that a fair summary?

A. I think that's accurate.

MR. GISRIEL: No further questions.

MR. ZIMMERMAN: Just one or two on redirect.

1 THE CHAIRMAN: Okay.

2 REDIRECT EXAMINATION

3 BY MR. ZIMMERMAN.

4 Q. You don't have any personal knowledge that there was any preexisting office use there, or do you?

6 A. No, I don't. I believe the house was empty for awhile. I'm not sure. I don't know how many apartments were in use and/or office there. There was no signage.

9 Q. If there was an office, it predates your living in the neighborhood, as far as you know?

11 A. If I was looking at the building as far as signage to know what was in there, yes, it appears to be a home.

14 Q. If there were an office at some previous time, you wouldn't know whether it would be in violation?

16 A. No.

17 Q. Or it --

18 A. The first time I heard of an office was the first day at court.

20 Q. Obviously, you have no personal knowledge of the number of apartments in use at various times?

1 A. No, sir.

2 MR. ZIMMERMAN: Thank you. That's all I have, Mr. Chairman.

4 MR. GISRIEL: Nothing further.

5 THE CHAIRMAN: Thank you.

6 MR. ZIMMERMAN: Mr. Lewis.

7 JOHN LEWIS,  
8 having been called as a witness, was duly sworn and  
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. ZIMMERMAN:

12 Q. Mr. Lewis, what is your position with the  
13 Baltimore County Department of Permits and Development  
14 Management?

15 A. I am a Planner II in the zoning review section.  
16 Basically, my duties entail review of commercial and  
17 residential site plans of both small and large scale,  
18 developments within PDM, within Permits and Development  
19 Management, and I've worked approximately twenty years for  
20 the county.

21 Q. You've testified before the Board of Appeals on

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previous occasions?

A. Yes, sir.

Q. In this case, I'd like you to explain, briefly, how it was you became involved in the review of the proposal at 303 North Rolling Road.

And, by the way, if I inadvertently said 203 awhile ago, I would correct that. We are talking about 303 North Rolling Road.

A. Due to legislation that was adopted by Council, Class A and B assisted living facilities as defined in Section 432.5 of the zoning regulations are permitted by use permit for Class A and special exception for Class B.

A use permit is a zoning tool which regulates use not specifically otherwise controlled in certain county regulations and by other permits.

As part of the use permit review, it so happens I was the individual taking appointments in for this particular use permit.

Originally it started as a Class A assisted living facility or a residence and approved as such based on both the apparent compliance with the zoning

1 A. I assumed there would be none.

2 Q. Did there come a time when information came to  
3 your office there was some addition on the building?

4 A. Well, I was not directly involved with some of  
5 it, but I was approached by Mr. John Altmeyer who was a  
6 supervisor with the permits and licensing section who had  
7 indicated to me -- apparently he found out there was an  
8 assisted living facility approval, and came to me as the  
9 the approval agent for the county and indicated to me  
10 there had been a permit issued sometime after the use  
11 permit was issued for a building addition, apparently, I  
12 believe, for a basement, first floor.

13 Q. Do you recall whether or not that was for a  
14 residential use?

15 A. I believe the permit that I saw said single  
16 family dwelling.

17 Q. You may recall today, for today's hearing, I  
18 showed you the building permit computer printout?

19 A. Yes. It indicated SPD, which is single family  
20 dwelling.

21 Q. Putting all this information together and

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Page 53

regulations for a Class A assisted living facility as well  
2 as an office planning approval also required as part of  
3 the use permit for a compatibility review.

Q. I think there's a permit in the file --

4 A. Well, the use permit itself was actually issued  
5 for eight. I believe I have a copy of that.

Q. You bought your file with you?

6 A. Yes, I did.

Q. It's a large file.

7 A. It's gotten somewhat extensive over time. The use  
8 permit is dated the 15th of December, 1995.

9 Q. I think there is actually a copy of that in  
10 evidence.

11 A. That's for eight assisted living facilities.

12 Q. Was that based on the assumption there was no  
13 addition to the building?

14 A. Well, it was based on the review of the site plan  
15 which was provided both to the planning office and to  
16 myself for the review for compliance with the regulations.

17 Q. What did you assume as to whether or not there  
18 was going to be any addition at that time, that point?

1 focusing briefly on the results of all your subsequent  
2 interaction with the developers here, how did you  
3 determine that a Class B application for special exception  
4 would be necessary?

5 A. Well, briefly stepping back just a second, Mr.  
6 Altmeyer indicated that construction beyond what was  
7 permitted on the permit for the basement and first floor  
8 addition had gone forward.

9 This was a problem for Mr. Altmeyer because it  
10 represented a building permit at that time and it was  
11 picked up by the inspector as not being in compliance with  
12 the permit that was approved, and also because of the  
13 building addition, my concern became that once a  
14 twenty-five percent increase in the first floor building  
15 area was reached by any buildout at all on this building,  
16 by definition, it becomes a Class B assisted living  
17 facility requiring a special exception and additional site  
18 standard requirements.

19 Q. How did you determine this was at least a  
20 twenty-five percent addition?

21 A. Well, I contacted Mr. Ainsworth and also his

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partner, I believe, and we had some discussions with their attorneys.

We actually physically sat down, reviewed some floor plans, et cetera. We asked for some detailed information, sealed plans. It's all in the file.

And it just reached the point where I could no longer believe we had a twenty-five percent, or less than twenty-five percent expansion of the building, based on the fact that the original building permit was 1100 square feet for the basement and first floor, and then we had two floors above that. And we were looking on the use permit plan that was filed at, I believe, about 2400 square feet -- I may be off a little bit -- first floor area.

That just became, you know, untenable as far as being able to accept the figures that the twenty-five percent had not been reached.

Q. Just to clarify, you had reviewed a number of assisted living facility site plans in the course of your work, have you not?

A. Yes, I have.

Q. Now, the zoning practice as your office has

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implemented this law, how do you calculate the twenty-five percent? In other words, what did you put in the nominator or the denominator?

A. Actually, the request of the applicant is a site plan indicative of the floor areas involved with the application. All we ask there would be for each floor area, for the use, and the actual square footage involved.

We assumed that the applicant provides us with accurate information. Now, the later plans that we received had engineers' seals. Of course, that's the engineer stating it, and we are not going to argue with an engineer, not being engineers ourselves. We accept the sealed plans as accurate.

Q. So at first you got some plans which were not sealed, then, later, you got some that were sealed?

A. That is correct.

Q. Based on those, you made the determination -- and I don't want to put words in your mouth, but I want to shorten this -- you had at least a 2200 square foot addition, over 500 square feet -- 550 square feet on each of the floors, the basement, and three levels?

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A. The very, very top level was a little smaller than that, but we were looking probably at close to 2,000 square foot.

Q. You have seen this red line plan? I showed you this exhibit, Petitioner's 11?

A. Yes.

Q. That showed the new square footage is 2284 square feet. That's within the ballpark of what you are talking about?

A. Approximately 2,000. I would say that's close to the total build-out addition.

Q. You mentioned a few minutes ago the ground floor area in the original footprint, in your view, was about 2400 square feet?

A. That looked to be about correct, yes.

Q. That would include even the open porch area? You're assuming --

A. Well, the porch area actually doesn't count for two reasons. You may enclose the porch at a later date, but it has no impact.

Q. In any event, the reason you use the footprint,

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why your office uses the footprint as your existing basis for calculations, but used all floors for the addition, I think in terms of your office's practice, you ought to explain how you get to that point.

A. Well, just the reading of the regulations itself, that tells us in the definition what we're to deal with. May I?

Q. Yes.

A. Okay. One of the definitions of a Class A, or the definition is -- part from the definition says assisted living facility, page 1-7 of the Baltimore County zoning regulations.

Q. Section 101?

A. 101. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than twenty-five percent of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class A.

And then it goes on to further state where such

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services are located in a new building constructed for that purpose or in a dwelling or other building that has been enlarged to accommodate the facility by twenty-five percent or more of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class B.

Q. So in any event, since the enactment of that statute in 1993?

A. Yes, '93.

Q. Your department has been implementing it consistently in the way you described, the original footprint is your basis, but when you're looking at the addition, you count any and all floors?

A. That is correct. And, in fact, we have on the check list, we basically, in accordance with the regulations for review and compliance, we requested a note on the plan from the applicant to that fact they have not exceeded those limits.

Q. Now, I am not going to ask you about the long history of all your dealings with the developers since we

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are mainly looking forward in this case and not backwards, but did there come a time in May 1996 when, in conjunction with your communication, that the petitioner filed for a special exception, you took action, and communicated with reference to the status of their Class A use permit?

A. Well, on June 10 of 1996, I wrote a letter basically indicating to the applicant that a Class A assisted living facility for eight residents has been rescinded by this office, and a special special exception public hearing had been granted or sent out to a lot of people.

MR. ZIMMERMAN: I am going to be ask be made People's Counsel's Exhibit seven your letter to Michael Gisriel dated June 10, 1996.

THE CHAIRMAN: Any objection?

MR. GISRIEL: No.

Q. Mr. Lewis, is this the letter you just referred to?

A. Yes.

Q. And to fill out what was going on about that time, you had earlier written Mr. Gisriel a letter dated

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1 May 31, 1996. Is that also correct?

2 A. Let me check my file. Yes, I have a letter  
3 dated May 31st to Mr. Gisriel.

4 Q. I am going to submit this in a moment as People's  
5 Counsel Exhibit 8. Is this what I'm showing you?

6 A. Yes, sir.

7 Q. The letter?

8 A. Uh-huh.

9 Q. That's more or less to the same effect that --

10 A. Well, it was a follow-up to the prior letter  
11 which was subsequently attached to that, so it's a little  
12 more than that.

13 Q. If I may, we'll make a copy of this?

14 A. Certainly.

15 MR. GISRIEL: No objection.

16 THE CHAIRMAN: You need two minutes?

17 MR. ZIMMERMAN: We'll make a copy so Mr. Lewis  
18 doesn't lose his original.

19 Let's make this Exhibit 8. This has as an  
20 attachment a May 7, 1996 letter also from you, so there is  
21 obviously a series of correspondence that leads to the

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1 June 10th letter?

2 A. Yes. we were trying to resolve the issue as  
3 rapidly as possible and, therefore, we kept current on it.

4 Q. And concurrent with this, there was some  
5 communication with interested citizens, particularly Mr.  
6 Cascio?

7 A. That's correct. I have copies of correspondence  
8 to them basically advising them of the status of our  
9 approvals there.

10 Q. So the stamp date you wrote to Mr. Gisriel on  
11 June 10th as to rescinding the Class A permit, you also  
12 communicated that information to Mr. Cascio?

13 A. And a few other individuals, yes, sir.

14 MR. ZIMMERMAN: And so as to not belabor the  
15 record, we'll put this letter in, but that's not  
16 necessarily any of your others.

17 Let's submit this as People's Counsel 9, a letter  
18 dated June 10, 1996, from Mr. Lewis to Mr. Cascio.

19 Q. So as of June 10, 1996, the letter, as far as  
20 your office was concerned, the status was that you had  
21 what amounted to a Class B facility, but without the

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special exception approval?

A. Yes.

Q. And explain, very briefly, why then you felt it was appropriate to rescind the Class A?

A. Well, having attempted to come to a quick resolution and get the special exception filed, there was apparently some scheduling problems with the applicant, and we had some appointments that were missed.

And at this point in time, we felt it would behoove us, in order to make sure this went forward in a timely fashion, that we rescind the Class A assisted living facility permit, and require them to immediately go to a Class B special exception.

Q. You are aware that, subsequently, the Zoning Commissioner did approve a Class B facility, correct?

A. Yes, with some restrictions. I'm not very, very familiar with it. I didn't pursue it that closely, but yes.

Q. You obviously are familiar there was an appeal taken to this County Board of Appeals de novo?

A. Yes, I knew there was an appeal.

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Q. Let me ask you this. Did you happen to know whether or not pending appeal a use permit had been issued subsequent to the Zoning Commissioner's decision for the current facility?

A. Okay. I am --

Q. Do you know whether or not the petitioner -- subsequent to the Zoning Commissioner's approval, but pending the appeal, do you happen to know whether the petitioner obtained a use permit, pending the Zoning Commissioner's approval?

A. I don't believe it would have been a use permit. Once the special exception is granted, I believe the use permit goes by the wayside.

The use permit really refers to the Class A. Special exception would be the operative tool here, the approval being given under that.

It's the usual interpretation of our office anyone, once a zoning case is granted, may at their own risk go forward. And what I believe occurred there was that the applicants were attempting to get building permits with the change of use, et cetera, and to go

1 forward with the use, which is subject to the risk of the  
2 appeal.

3 Q. So if I show you Petitioner's Exhibit 7 -- just  
4 so we clarify, I want to show Mr. Lewis Petitioner's 7.

5 Mr. Lewis, I am going to show you what petitioner  
6 has submitted as Petitioner 7, and while it's a little  
7 hard to read, it appears to be February 14, 1997.

8 Mr. Gisriel can correct me, or February 12th. The  
9 date is a little bit hard to read. February '97, we can  
10 all agree, subsequent to the Zoning Commissioner's  
11 decision. Can you identify this format?

12 A. Okay. To use and occupy the land and/or  
13 outlined -- I'm not quite sure what that is -- and  
14 location as follows on permit number, and there's a  
15 number. This is for Mr. Decker, and it occurs at 303  
16 North Rolling Road. I don't see anything below that that's  
17 legible.

18 Q. It's hard to tell what that is, at least from  
19 just reading it?

20 A. Right.

21 Q. In any event, assuming that it were in some

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1 fashion relating to the Class B facility, approved by the  
2 Zoning Commissioner, then, as you have stated a moment  
3 ago, your office would normally assume that to be subject  
4 to the risk of the outcome of the appeal?

5 A. That's true.

6 Q. Just so we are clear on the status of the  
7 situation, in either Class A or Class B, from your  
8 office's point of view, if this Board denies the Class B  
9 special exception and variances de novo, what status, if  
10 any, does the Class A permit have?

11 Does it come back to life? Does one -- would the  
12 petitioner need to file a new site plan and go through the  
13 use permit process? How would you handle that, do you  
14 know?

15 A. Well, in this case, if the special exception were  
16 ultimately denied, the applicant would have the right to  
17 attempt to meet the Class A assisted living facilities  
18 regulations, apparently by removal of certain parts of the  
19 structure, to reduce it to the area that would be  
20 permitted for expansion of Class A, and then apply for  
21 again a new Class A assisted living facility permit for

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number of individuals this lot size will allow.

Q. And just to clarify, the use permit procedure is described in section 432.5, is it not?

A. That's correct.

Q. And that's, among other things, assuming that the zoning to be D.R. --

A. D.R. 2 as shown on the site plan. There's a map showing by size of property the maximum number.

Q. The maximum number of permitted occupants?

A. That's correct. Up to number fifteen, and that applies to both A and B. Fifteen is the maximum number of residents.

Q. Without pointing you to it, assuming that were to try at one acre and this is a D.R. 2 zone, you stated that the maximum would be eleven or twelve for this?

A. That would assume to be the numbers, yes.

Q. Without having done --

A. Without having done all the math completely, about eleven or twelve people would seem reasonable for that size property, based on the regulations.

MR. ZIMMERMAN: Mr. Chairman, that's all I have

1 on this lot was, in fact, part of an overall development

2 plan which had been approved by the county.

3 That was brought to my attention by the area

4 planner. I was not aware of that. Upon discovering that,

5 we stated that the applicant should go back to the

6 development review committee since this was a development

7 plan and get a determination that any changes that were

8 being proposed on the red line plan as shown would be

9 considered a refinement of the development plan, and I

10 believe that subsequently that occurred and was given an

11 refinement approval.

12 Q. Would not on those plans that particular dwelling

13 be noted as an assisted living facility as opposed to a

14 single family home?

15 A. It probably should be, yes. I will be truthful

16 with you though, as stated in the regulations,

17 specifically Class A living facilities are exempt from the

18 development regulations, so that drives everybody crazy.

19 We have a plan governed by development

20 regulations with a building that's specifically exempted

21 from the development regulations, so what they have shown,

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of Mr. Lewis.

THE CHAIRMAN: Let me catch up on my notes just a second.

Your witness. Mr. Cascio?

FURTHER DIRECT EXAMINATION

BY MR. CASCIO:

Q. Mr. Lewis, a couple questions ago you had said that the Class A approval -- what was the date that was approved?

A. The first use permit?

Q. For a Class A.

A. I believe it was December 15. Let me look, doublecheck. I'm starting to get a lot of dates here. 15th of December 1995, for eight individuals.

Q. Now, as far as the history of that lot, in January of 1995, do you recall a red line plan being submitted to the county for six single family dwellings?

A. That was something that was not really directly related to the zoning review, though we stipulated that that happened.

It was brought to my attention the development

1 they showed it as a single family dwelling. Perhaps it

2 wasn't as accurate as it could have been, but technically

3 it's exempt from the development regulations, so I don't

4 know where we stand on that one.

5 Q. After that, also there was some plans in February

6 '95, a red line plan submitted to Mr. Kotroco for the

7 utility and drainage on that rear lot which showed that

8 building as a single family home?

9 A. I'm not aware of that.

10 THE CHAIRMAN: Mr. Cascio. I am going to caution

11 you to make sure that you limit yourself to questions and

12 not testimony at this point.

13 MR. CASCIO: Okay.

14 Q. One other question. I don't know if you can see

15 this plan, the house on lot two?

16 A. Yes.

17 Q. It shows the front of that home to the north?

18 A. Okay. Appears to be correct.

19 Q. Is there a difference in setbacks from the front

20 yard to the side yard?

21 A. Yes, there is some difference in setbacks. I

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believe on a large lot subdivision of this nature you're looking at a twenty-five foot requirement for one setback and a lesser size side setback, maybe fifteen feet.

Q. If you look at this, it shows a fifteen foot setback at the side --

MR. GISRIEL: Objection. I don't see what relevance it has to the matter before the Board, which is the Class B.

MR. CASCIO: It's going to affect the lot size of the lot one, the ALF, the subject property.

MR. GISRIEL: I think you're talking further development of that three-acre tract and not the immediate, but I will leave it up to the Board to rule.

Q. One more question. What would designate the front part of a house for a setback line?

A. Well, our office goes by the actual orientation of that particular dwelling when one sees the front, side or the rear of the house visually, then makes a determination. In fact, we sometimes have to have on-site inspections or inspectors go out, or other questions come up. Sometimes we have two fronts.

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Q. Have you been to that subject property?

A. No, sir. I have done everything on this by site plan.

Q. So the front of that property, if the front door is actually to the west, that would affect that setback on lot one, would it not?

A. I'd have to find my north arrow.

Q. This is the north.

A. If this is then facing to the west were the front then there may be a problem with the building setback which would have to be twenty-five feet.

Q. Which would affect this lot size?

A. Well, I don't know. Depends which way you look at it. Either or, the lot that's being affected by less than the required setback. It depends on how you look at

Q. But the front property is located by the front or?

A. Yes, sir.

Q. As opposed by the side yard?

A. Yes, sir.

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1 MR. CASIO: That's all I have. Thank you.

2 MR. GISRIEL: A couple questions.

3 I'd like to, for the record, put in the record that --

4 THE CHAIRMAN: Are You proffering something?

5 MR. GISRIEL: No, just in making an opening

6 statement that, even though we have had some history, Mr.

7 Lewis has always acted in a professional manner, and I want to commend him in my dealings with him.

8 This has been a tough issue, and he's always acted very professionally, and I wanted to say that before I ask him some questions.

12 CROSS EXAMINATION

13 BY MR. GISRIEL:

14 Q. Just for the record, currently, are there any, as far as your office knows, any problems with the current use subject to this matter?

17 A. At the present time, I'm not really certain as to what the present use is. If the building permit had been issued for the assisted living facility based on the special exception as granted, I don't have a problem with it based on, you know, the fact the Zoning Commissioner

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1 has given his blessing.

2 Q. So as far as your office is concerned right now, all uses and permits have been obtained, pending this action?

5 A. As far as I know.

6 Q. Since Mr. Zimmerman got in this area, if for some reason the special exception for a Class B is denied and this matter goes forward on appeal, what would happen then?

10 A. To my knowledge, we would continue to honor the original special exception.

12 Q. Until the appeal?

13 A. Until the ultimate resolution.

14 Q. I just wanted to put that in the record. Going back to your testimony, there was a series of meetings and correspondence about the use and about the interpretation of the Class A regulations?

18 A. Yes, there were.

19 Q. Is it fair to say that the interpretation of the Class A and all is kind of gray in open interpretation?

21 A. As with most regulations, there's always room for



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 23

BILL NO. 188-93

PASSED: 1/03/94  
EFFECTIVE: 2/25/94

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MR. WILLIAM A. HOWARD, IV., COUNCILMAN

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BY THE COUNTY COUNCIL, DECEMBER 20, 1993

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A BILL  
ENTITLED

AN ACT concerning

Assisted Living Facilities and Group Senior Assisted  
Housing

FOR the purpose of providing for the establishment of various types of  
housing facilities for the elderly; defining terms; authorizing  
elderly housing uses in residential zones by right, use permit  
and special exception; authorizing Group Senior Assisted  
Housing; Assisted Living Facilities, Class A in the RC 5  
zone by right; excepting Group Senior Assisted Housing;  
Assisted Living Facilities, Class A from residential  
transition and development plan requirements; establishing  
parking requirements; establishing density requirements and  
performance standards for Group Senior Assisted Housing  
Assisted Living Facilities; and generally related to Assisted  
Living Facilities. and Group Senior Assisted Housing

BY adding

Section 101; the definitions of "Group Senior Assisted Housing";  
"Group Senior Assisted Housing; Class A" and "Group Senior  
Assisted Housing; Class B"

Baltimore County Zoning Regulations; as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike-out~~ indicates matter stricken from bill.

MICROFILMED

BY repealing and reenacting, with amendments

Section 101, the definitions of "Assisted Living Facility"  
and "Elderly Housing Facility" and Sections 1A04.2.A.,  
1B01.1.B.1.g, 1B01.3.A.3, 409.6.A.1. (as amended by Bill  
124-93), 432 and 432.1  
Baltimore County Zoning Regulations, as amended

BY adding

Section 432.5  
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final  
report dated July 15, 1993 from the Planning Board concerning the  
subject legislation and held a public hearing thereon on September 7,  
1993, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2. COUNTY, MARYLAND that Section 101 - Definitions, the definitions of  
3. "Group Senior Assisted Housing"; "Group Senior Assisted Housing; Glass  
4. A" and "Group Senior Assisted Housing; Glass B" be and it is hereby  
5. added to the Baltimore County Zoning Regulations; as amended; to read  
6. as follows:

7. Section 101 - Definitions:

8. GROUP SENIOR ASSISTED HOUSING: A RESIDENCE FOR NO MORE THAN  
9. 15 PERSONS 62 YEARS OF AGE OR OLDER WHICH PROVIDES THREE DAILY MEALS IN  
10. A FAMILY SETTING; HOUSEKEEPING; AND PERSONAL SERVICES SUCH AS  
11. ASSISTANCE WITH BATHING; DRESSING OR LAUNDRY AND WHICH IS CERTIFIED AS  
12. GROUP SENIOR ASSISTED HOUSING BY THE MARYLAND OFFICE ON AGING.

13. GROUP SENIOR ASSISTED HOUSING; GLASS A: A GROUP SENIOR  
14. ASSISTED HOUSING RESIDENCE WHICH IS LOCATED IN A CONVERTED DWELLING OR

1. OTHER BUILDING THAT HAS NOT BEEN ENLARGED BY MORE THAN 25% OF GROUND  
2. FLOOR AREA TO ACCOMMODATE THE FACILITY.

3. GROUP SENIOR ASSISTED HOUSING, CLASS B: A GROUP SENIOR  
4. ASSISTED HOUSING RESIDENCE WHICH IS LOCATED IN A NEW BUILDING  
5. CONSTRUCTED FOR THAT PURPOSE OR IN A DWELLING OR OTHER BUILDING THAT  
6. HAS BEEN ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA IN ORDER TO  
7. ACCOMMODATE THE FACILITY.

8. SECTION 2: AND BE IT FURTHER ENACTED; that Section 101 -  
9. Definitions; the definitions of "Assisted Living Facility" and  
10. "Elderly Housing Facility", and Sections 1A04.2.A., 1B01.1.B.1.g,  
11. 1B01.3.A.3, 409.6.A.1., 432 and 432.1 of the Baltimore County  
12. Zoning Regulations, as amended, be and they are hereby repealed and  
13. reenacted to read as follows:

14. Section 101 - Definitions.

15. Assisted Living Facility: A building, or section of a  
16. building, or a residence that provides: 1. a residential {living}  
17. environment assisted by congregate meals, housekeeping, and personal  
18. services, for persons 62 years of age or older, who have temporary or  
19. periodic difficulties with one or more essential activities of daily  
20. living, such as feeding, bathing, dressing or mobility, and for {any  
21. person} PERSONS, regardless of age, who {has a} HAVE physical or  
22. developmental {disability} DISABILITIES; OR 2. THREE DAILY MEALS IN A  
23. FAMILY SETTING, HOUSEKEEPING, AND PERSONAL SERVICES SUCH AS ASSISTANCE  
24. WITH BATHING, DRESSING OR LAUNDRY FOR NO MORE THAN 15 PERSONS 62 YEARS  
25. OF AGE OR OLDER, AND WHICH SATISFIES AND COMPLIES WITH SECTION 432 OF  
26. THESE REGULATIONS. SUCH A FACILITY MUST BE CERTIFIED OR LICENSED BY  
27. THE MARYLAND OFFICE OF AGING AS IS OTHERWISE REQUIRED IN COMAR TITLE  
28. 14.11.07, AND,

1. (A) WHERE SUCH SERVICES ARE LOCATED IN A CONVERTED DWELLING OR  
2. OTHER BUILDING THAT HAS NOT BEEN ENLARGED TO ACCOMMODATE THE FACILITY  
3. BY MORE THAN 25% OF GROUND FLOOR AREA WITHIN A PERIOD OF FIVE YEARS  
4. PRIOR TO THE DATE OF APPLICATION, IT SHALL BE REFERRED TO IN THESE  
5. REGULATIONS AS ASSISTED LIVING FACILITIES CLASS A.

6. (B) WHERE SUCH SERVICES ARE LOCATED IN A NEW BUILDING  
7. CONSTRUCTED FOR THAT PURPOSE OR IN A DWELLING OR OTHER BUILDING THAT  
8. HAS BEEN ENLARGED TO ACCOMMODATE THE FACILITY BY 25% OR MORE OF GROUND  
9. FLOOR AREA WITHIN A PERIOD OF FIVE YEARS PRIOR TO THE DATE OF  
10. APPLICATION, IT SHALL BE REFERRED TO IN THESE REGULATIONS AS ASSISTED  
11. LIVING FACILITIES CLASS B.

12. FOR THE PURPOSES OF THESE REGULATIONS, THIS DEFINITION DOES NOT  
13. INCLUDE: 1) A ROOM OR DWELLING UNIT CONTAINING A COMPLETE KITCHEN,  
14. INCLUDING A STOVE, INTENDED FOR THE DAILY PREPARATION OF MEALS FOR THE  
15. RESIDENT OR 2) THE PROVISION OF PERSONAL, HOUSEKEEPING AND CONGREGATE  
16. MEAL SERVICES IN HOUSING FOR THE ELDERLY, IN A MULTI-FAMILY BUILDING OR  
17. IN OTHER DWELLINGS DESIGNED WITH COMPLETE KITCHENS IN INDIVIDUAL  
18. UNITS. Density for such facilities shall be calculated at .25 for each  
19. bed. FOR THE PURPOSES OF THESE REGULATIONS, GROUP SENIOR ASSISTED  
20. HOUSING, AS DEFINED IN SECTION 101, SHALL NOT BE CONSIDERED AN ASSISTED  
21. LIVING FACILITY.

22. Any such facility which is not covered by another chapter of the  
23. National Fire Protection Association Life Safety Code, 1991 Edition,  
24. shall comply with Chapter 22 of said Code, entitled Residential Board  
25. and Care Occupancies. However, a facility with less than four persons  
26. who are capable of self-preservation and prompt evacuation is exempt.

27. {Elderly Housing Facility} HOUSING FACILITY FOR THE  
28. ELDERLY: The term {elderly housing facility} HOUSING  
29. FACILITY FOR THE ELDERLY includes an assisted living facility, a

continuing care facility, CLASS A OR CLASS B GROUP SENIOR ASSISTED HOUSING; and Class A or Class B housing for the elderly [facility].

Section 1A04 - R.C.5 (Rural-Residential) Zone

1A04.2 Use Regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.5 zones:

5. GROUP SENIOR ASSISTED HOUSING ASSISTED LIVING FACILITIES, CLASS A.

Section 1B01 - Regulations With Respect to D.R. Zones in General

1B01.1 - General Use Regulations in D.R. Zones.

B. Dwelling - Type and other supplementary use restrictions based on existing subdivision and development characteristics.

1. Residential Transition Areas and Uses Permitted

Therein.

g. Exceptions to residential transition.

(13) GROUP SENIOR ASSISTED HOUSING

ASSISTED LIVING FACILITIES, CLASS A.

1B01.3 - Plans and Plats

A. Development Plans.

3. Subdivision Lot Sales, Development, and Use Subject to Partial Development Plan. No interest in any lot which is in a D.R. zone and is hereafter created by subdivision of a record lot EXISTING ON the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Subparagraph 5, below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO CLASS A GROUP SENIOR ASSISTED HOUSING ASSISTED LIVING FACILITIES.

Section 409. Offstreet Parking and Loading

409.6 Required Number of Parking Spaces

A. General Requirements - The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of Zoning Administration and Development Management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this subsection results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

1. Residential and Lodging Uses

Type of Use	Minimum Number of Required Off-Street Parking Spaces
{Elderly Housing Facilities}	For housing for the elderly; Class A; at least 1 useable offstreet parking space shall be provided for each 2 dwelling units in a town center or for each 1 1/2 dwelling units elsewhere:
HOUSING FACILITIES FOR THE ELDERLY	For housing for the elderly; Class B; at least 1 useable offstreet parking space shall be provided for each dwelling unit. However, if the development is supported substantially or in part by any type of rent subsidy, the developer may petition for a hearing before the Zoning Commissioner for a decrease in the number of spaces to be provided.
	For continuing care facilities; at least one useable off-street parking space shall be provided for each dwelling unit and at least one useable off-street parking space shall be provided for each 2 assisted living beds and for each 3 convalescent or nursing beds.
	For assisted living facilities AND GROUP SENIOR ASSISTED HOUSING, at least 1 useable off-street parking space shall be provided for each {two} THREE beds. {-}; EXCEPT THAT THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT

MANAGEMENT MAY REDUCE THE REQUIREMENT TO AS FEW AS NONE UPON THE RECOMMENDATION OF THE DIRECTORS OF PLANNING AND PUBLIC WORKS THAT: 1) ADEQUATE ON-STREET PARKING IS AVAILABLE; AND 2) THE USE OF SUCH PARKING WOULD BETTER MAINTAIN RESIDENTIAL CHARACTER THAN THE PROVISION OF OFF-STREET PARKING; AND 3) THE USE OF ON-STREET PARKING WOULD NOT CAUSE TRAFFIC CONGESTION OR CREATE UNSAFE CONDITIONS OR AFFECT THE AVAILABILITY OF PARKING FOR NEARBY RESIDENTS AND THE PUBLIC.

-----In RAE 1 and RAE 2 Zones and in all business and industrial zones; all parking requirements of the underlying zone must be met for any commercial or office use which is contained within the elderly housing facility:

-----In the case of any type of elderly housing facility; the Zoning Commissioner may allow the provision of fewer parking spaces; after a public hearing at which evidence has been given regarding use of rent vouchers; certificates; or other subsidies or the availability of developer-sponsored van service or other ridesharing for the prospective residents of the housing; and after the director of planning and zoning has furnished information regarding the availability and accessibility to the elderly of public mass transportation to the site. In no case; however; may the facility provide less than 1 parking space for each 3 dwelling units:

Section 432 - {Elderly Housing Facilities} HOUSING

FACILITIES FOR THE ELDERLY in D.R. Zones.

A: {Elderly housing facilities} HOUSING FACILITIES FOR THE ELDERLY are permitted in all D-R Zones under the conditions set forth below: Such uses shall also comply with the requirements of the zones in which they are located and with all other applicable provisions of the zoning regulations; except as herein modified:

B: Development of {elderly housing facilities} HOUSING FACILITIES FOR THE ELDERLY is especially encouraged on property

1. containing existing institutional uses to promote such facilities on  
2. these properties; maximum residential density; maximum building height  
3. standards; and residential transition area restrictions may be altered;  
4. as set forth below. For the purposes of this section; institutional  
5. uses shall be convents; orphanages; schools; seminaries; officially  
6. designated historic buildings; hospital campuses; and churches on sites  
7. containing at least 10 acres.

8. 432.1 -- In General. The following provisions shall apply to  
9. assisted living facilities, continuing care facilities, and housing for  
10. the elderly (collectively referred to as {elderly} housing  
11. facilities FOR THE ELDERLY) in D.R. Zones, unless otherwise  
12. indicated.

13. A. 1. Housing for the elderly {and assisted living facilities  
14. for three or fewer} shall be permitted by right.

15. 2. ASSISTED LIVING FACILITIES OTHER THAN CLASS A OR CLASS  
16. B FOR THREE OR FEWER SHALL BE PERMITTED BY RIGHT.

17. 3. SUBJECT TO SUBSECTION 432.5; GROUP SENIOR ASSISTED  
18. HOUSING SHALL BE PERMITTED AS FOLLOWS:

19. A. CLASS A; BY USE PERMIT;

20. 3. SUBJECT TO SUBSECTION 432.5, ASSISTED LIVING  
21. FACILITIES CLASS A SHALL BE PERMITTED BY USE PERMIT AND ASSISTED LIVING  
22. FACILITIES CLASS B SHALL BE PERMITTED BY SPECIAL EXCEPTION.

23. B. CLASS B; BY SPECIAL EXCEPTION;

24. {2.} 4. Continuing care facilities shall be permitted by  
25. special exception. Assisted living facilities other than Class A or  
26. Class B of four or more and assisted living facilities developed in  
27. conjunction with a nursing home shall be permitted by special exception.

28. {3.} 5. {Elderly} Housing facilities FOR THE  
29. ELDERLY are not permitted in any Baltimore County Historic District{.},



1. EXCEPT FOR CLASS A GROUP SENIOR ASSISTED HOUSING ASSISTED LIVING  
2. FACILITIES.

3. [4.] 6. An applicant for a special exception to develop  
4. {an elderly} A housing facility FOR THE ELDERLY may  
5. combine in the same special exception petition a request for  
6. modification or waiver of the maximum residential density standard or  
7. building height standard as set forth in Section 432.2 or a request for  
8. modification or waiver of residential transition area restrictions, or  
9. all as set forth in Section 432.2, 432.3, and 432.4.

10. SECTION 3 2. AND BE IT FURTHER ENACTED, that Section  
11. 432.5 be and it is hereby added to the Baltimore County Zoning  
12. Regulations, as amended, to read as follows:

13. 432.5 GROUP SENIOR ASSISTED HOUSING ASSISTED LIVING  
14. FACILITIES CLASS A AND CLASS B

15. A. DENSITY

16. 1. GROUP SENIOR ASSISTED HOUSING ASSISTED LIVING  
17. FACILITIES, CLASS A. THE RESIDENCE SHALL BE LOCATED ON A LOT THAT  
18. WILL MEET ALL OF THE DENSITY REQUIREMENTS FOR ITS SIZE AND ZONE, EXCEPT  
19. THAT IF THERE WILL BE MORE THAN SIX RESIDENTS, THE FOLLOWING TABLE  
20. SHALL APPLY:

21. ZONE

22. SQ. FEET					
23. MIN. LOT					
24. SIZE	RC5/DR1	DR2	DR3.5	DR5.5	DR10.5/16
25. Seven	50,000	25,000	12,500	10,000	9,000
26. Residents					
27. Each	5,000	3,800	2,000	1,500	1,200
28. Additional					
29. Resident					

1. 2. GROUP SENIOR ASSISTED HOUSING ASSISTED LIVING  
2. FACILITIES, CLASS B. THE MINIMUM LOT AREA SHALL BE ONE ACRE OR 2,000  
3. SQUARE FEET PER RESIDENT, WHICHEVER IS GREATER.

4. B. PERFORMANCE STANDARDS

5. 1. STANDARDS FOR CLASS A AND CLASS B GROUP SENIOR  
6. ASSISTED RESIDENCES: ASSISTED LIVING FACILITIES:

7. A. EXCEPT FOR THE SIGNS PERMITTED BY 413.1., NO OTHER  
8. SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE SHALL BE  
9. PERMITTED.

10. B. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE  
11. WITH SECTION 409, AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO  
12. PARKING STRUCTURE SHALL BE PERMITTED, EXCEPT FOR A RESIDENTIAL GARAGE,  
13. AS DEFINED IN SECTION 101.

14. 6: (1). PARKING SHALL BE AT LEAST 10 FEET  
15. FROM THE PROPERTY LINE EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY,  
16. NO SETBACK IS REQUIRED PROVIDED THAT THE ALLEY DOES NOT ABUT THE FRONT  
17. OR REAR YARD OF A RESIDENTIALLY USED PROPERTY. THIS REQUIREMENT SHALL  
18. NOT APPLY TO SPACES EXISTING BEFORE THE EFFECTIVE DATE OF BILL NO.  
19. 175-93 188-93.

20. B: (2). PARKING AND DELIVERY AREAS SHALL BE  
21. LOCATED IN THE SIDE OR REAR ONLY ; UNLESS THE DIRECTOR OF ZONING  
22. ADMINISTRATION AND DEVELOPMENT MANAGEMENT; UPON THE RECOMMENDATION OF  
23. THE DIRECTOR OF THE OFFICE OF PLANNING; DETERMINES THAT THERE WILL BE  
24. NO ADVERSE IMPACT ON ADJACENT PROPERTIES BY USING THE FRONT YARD.  
25. THIS REQUIREMENT SHALL NOT APPLY TO PARKING SPACES EXISTING BEFORE THE  
26. EFFECTIVE DATE OF BILL NO. 175-93 188-93.

27. E. 1. GROUP SENIOR ASSISTED HOUSING ASSISTED  
28. LIVING FACILITIES, CLASS A WHICH INVOLVES CHANGE TO THE EXTERIOR OF  
29. THE BUILDING OR RECONSTRUCTION AFTER THE BUILDING HAS BEEN DESTROYED IS

1. SUBJECT TO REVIEW FOR COMPATIBILITY OF THE PROPOSED CHANGES IN RELATION  
2. TO EXISTING STRUCTURES IN THE IMMEDIATE VICINITY. (1) AT THE TIME OF  
3. APPLICATION FOR A BUILDING PERMIT, PLANS OR DRAWINGS OF THE BUILDING,  
4. SUFFICIENT TO DETERMINE COMPATIBILITY, AND PHOTOGRAPHS REPRESENTATIVE  
5. OF THE VICINITY SHALL BE SUBMITTED TO ZONING ADMINISTRATION AND  
6. DEVELOPMENT MANAGEMENT (ZADM). (2) ZADM SHALL NOTIFY THE DIRECTOR OF  
7. THE OFFICE OF PLANNING AND ZONING WHO MAY MAKE, WITHIN 15 DAYS OF THE  
8. REQUEST, WRITTEN RECOMMENDATIONS CONCERNING THE COMPATIBILITY OF THE  
9. PROPOSED CHANGES WITH REGARD TO: MAJOR DIVISIONS OR ARCHITECTURAL  
10. RHYTHM OF FACADES; ROOF DESIGN AND TREATMENT; MATERIALS AND COLORS AND  
11. OTHER ASPECTS OF FACADE TEXTURE OR APPEARANCE. (3) THE DIRECTOR OF  
12. ZADM MAY APPROVE, DISAPPROVE, OR MODIFY THE BUILDING PERMIT BASED ON  
13. THE RECOMMENDATIONS, IF ANY, OF THE OFFICE OF PLANNING AND ZONING.

14. 2. ENCLOSURE OF THE PORCH OF A HOUSE OR THE  
15. ADDITION OF AN EXTERIOR STAIRWAY TO THE SIDE OR REAR OF A BUILDING DOES  
16. NOT CONSTITUTE A CHANGE TO THE EXTERIOR FOR PURPOSES OF THIS  
17. SUB-SECTION.

18. F. GROUP SENIOR ASSISTED HOUSING ASSISTED  
19. LIVING FACILITIES CLASS B SHALL BE SUBJECT TO A COMPATIBILITY FINDING  
20. PURSUANT TO SECTION 26-282 OF THE BALTIMORE COUNTY CODE.

21. G. THE LOT SHALL PROVIDE USEABLE, CONTIGUOUS, PRIVATE  
22. OPEN SPACE OF AT LEAST 500 SQUARE FEET.

23. 2. ADDITIONAL STANDARDS FOR GROUP SENIOR ASSISTED  
24. HOUSING ASSISTED LIVING FACILITIES, CLASS A:

25. A. GROUP SENIOR ASSISTED HOUSING ASSISTED  
26. LIVING FACILITIES, CLASS A SHALL BE EXEMPT FROM DIVISION 2, ARTICLE V,  
27. TITLE 26 OF THE BALTIMORE COUNTY CODE, 1988, PROVIDED THERE WILL BE NO  
28. ENLARGEMENT OF THE BUILDING IN GROUND FLOOR AREA BY 25% OR MORE WITHIN  
29. A PERIOD OF FIVE YEARS PRIOR TO APPLICATION, AND THE RESIDENTIAL

1. APPEARANCE OF THE STRUCTURE AND ITS SETTING, INCLUDING ACCESSORY  
2. PARKING SPACES, WILL BE MAINTAINED SO THAT THE CONVERTED DWELLING WILL  
3. BE HIGHLY COMPATIBLE WITH ADJACENT RESIDENTIAL PROPERTY. THIS  
4. DETERMINATION SHALL BE MADE BY THE DIRECTOR OF THE OFFICE OF PLANNING  
5. AND ZONING, UPON REVIEW OF A PLAN WHICH INDICATES THE SIZE OF THE LOT,  
6. SQUARE FOOTAGE OF THE BUILDING, PROPOSED PARKING AND LOADING SPACES AND  
7. PROPOSED PRIVATE OPEN SPACE.

8. B. THE RECONSTRUCTION OF GROUP SENIOR ASSISTED  
9. HOUSING ASSISTED LIVING FACILITIES, CLASS A WHICH IS DESTROYED BY  
10. FIRE OR OTHER CASUALTY MAY NOT INCREASE THE SIZE OR GROSS FLOOR AREA OF  
11. THE STRUCTURE OR ALTER ITS LOCATION WITHOUT A SPECIAL HEARING.

12. 3. ADDITIONAL STANDARDS FOR CLASS B GROUP SENIOR ASSISTED  
13. HOUSING ASSISTED LIVING FACILITIES:

14. A. THE LOT SHALL MEET THE MINIMUM SETBACK, MAXIMUM HEIGHT  
15. AND MAXIMUM COVERAGE FOR OTHER PRINCIPAL BUILDINGS FOR THE ZONE WHERE  
16. IT IS LOCATED;

17. B. THE LOT SHALL HAVE FRONTAGE ON A PRINCIPAL ARTERIAL AS  
18. DEFINED IN THESE REGULATIONS, EXCEPT IF THE FACILITY IS LOCATED IN A  
19. PROPERTY WHICH IS DESIGNATED AS HISTORIC OR IS IN A HISTORIC DISTRICT,  
20. AS IDENTIFIED ON THE ZONING MAPS.

21. SECTION 4 3. AND BE IT FURTHER ENACTED, that this Act  
22. shall take effect forty-five days after its enactment.

B18893/BILLS93

# ZONING COMMISSIONER'S POLICY MANUAL

coin-operated pool tables, music boxes, children's rides, and shuffleboards. [Bill No. 29, 1982.]

Animal Boarding Place: Any building, other structure or land, or any portion thereof, which is used, intended to be used, or arranged for the boarding, breeding or other care of animals for profit, but excluding a farm, kennel, pet shop, veterinarian's office or veterinarian. [Bill No. 85, 1967.]

Animal Boarding Place, Class A: An animal boarding place exclusively for dogs, cats, birds, and/or other household pets. [Bill No. 85, 1967.]

Animal Boarding Place, Class B: Any other animal boarding place not excluded under the general definition of "Animal Boarding Place", above. [Bill No. 85, 1967.]

Antenna, Long-wire: A single, flexible wire not thicker than 12-gauge, stretched between two stationary insulators and used as an antenna for the transmission and/or reception of broadcast signals. [Bill No. 61, 1967.]

Antenna, Rigid-structure: Any exterior wireless antenna other than a long-wire antenna. [Bill No. 61, 1967.]

"Apartment Building..." {Deleted by Bill No. 2, 1992.}

"Apartment, Group-house..." {Deleted by Bill No. 2, 1992.}

"Apartment House..." {Deleted by Bill No. 111, 1968.}

Arcade: A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained. [Bill No. 29, 1982.]

Area, Net: Land area not including area of land in public streets or other fee-simple public rights of way. [Bill No. 40, 1967.]

Arterial Street: A motorway or portion thereof which: is, or is intended, for travel to or from major employment centers, such as town centers; has or is intended to have, four or more lanes for moving traffic; is, or is intended to be, designed for traffic speeds of at least 40 miles per hour; has or is intended to have, a right of way at least 66 feet wide; is not a freeway or an expressway; and has been designated as an arterial street (or as a boulevard or thoroughfare) by the planning board. [Bill No. 40, 1967.]

Assisted Living Facility: A building, or a section of a building, or a residence that provides: 1) a residential environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for persons, regardless of age, who have physical or developmental disabilities; or

2) three daily meals in a family setting, housekeeping, and personal services such as assistance with bathing, dressing or laundry for no more than 15 persons 62 years of age or older, and which satisfies and complies with Section 432 of these regulations. Such a facility must be certified or licensed by the Maryland Office of Aging as is otherwise required in COMAR, Title 14.11.07, and {Bill No. 188, 1993.}

✓ A. Where such services are located in a converted dwelling or other building that has not been enlarged to accommodate the facility by more than 25% of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class A. {Bill No. 188, 1993.}

✓ ✓ B. Where such services are located in a new building constructed for that purpose or in a dwelling or other building that has been enlarged to accommodate the facility by 25% or more of ground floor area within a period of five years prior to the date of application, it shall be referred to in these regulations as assisted living facilities Class B. {Bill No. 188, 1993.}

For the purposes of these regulations, this definition does not include: 1) a room or dwelling unit containing a complete kitchen, including a stove, intended for the daily preparation of meals for the resident; or 2) the provision of personal, housekeeping and congregate meal services in housing for the elderly, in a multi-family building or in other dwellings designed with complete kitchens in individual units. Density for such facilities shall be calculated at 0.25 for each bed. {Bill No. 188, 1993.}

Any such facility which is not covered by another chapter of the National Fire Protection Association Life Safety Code, 1991 Edition, shall comply with Chapter 22 of said code, entitled Residential Board and Care Occupancies. However, a facility with less than four persons who are capable of self-preservation and prompt evacuation is exempt. [Bills No. 36, 1988; No. 188, 1993.]

Bank: The term "bank" includes bank station, building and loan association, savings and loan association, credit union, and similar chartered financial institutions. The term also includes automatic teller machines or banking devices and drive-through banking facilities except as limited by the use listing in any zone where a bank is permitted. [Bills No. 13, 1980; No. 191, 1990.]

Basement: That portion of a building below the first floor, the floor of which is less than one-half of the height of the room below the average grade of the adjoining ground (see definitions of "Cellar and Story"). [B.C.Z.R., 1955.]

Bed and Breakfast Home: A home occupation that provides one to three rooms (limited to two persons or one family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no

Baltimore County Government  
Office of Planning and Zoning



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July 19, 1993

The Honorable C.A. "Dutch" Ruppertsberger, III  
Chairman, Baltimore County Council  
Court House  
Towson, MD 21204

Re: Proposed Amendments to the BCZR Regarding Assisted Living Facilities and Group  
Senior Assisted Housing

Dear Councilman Ruppertsberger:

Enclosed is a Final Report of the Baltimore County Planning Board, adopted  
July 15, 1993, which I am submitting to you in accordance with Section 26-123(c)  
of the Baltimore County Code, 1988.

This report is the first in a three part series in response to County Council  
Resolution #103-92. (Part 2 will concern accessory apartments and Part 3 will address  
continuing care facilities.) The Planning Board recommends that the Zoning  
Regulations be amended by allowing for the conversion of dwellings or other  
buildings in residential zones to Group Senior Assisted Housing by right. For new  
construction, the Planning Board recommends that Group Senior Assisted Housing be  
permitted by special exception. Group Senior Assisted Housing is a State program for  
the frail elderly administered by the County. A community information meeting would  
be required for both conversions and new construction. The parking standard for  
Assisted Living Facilities would be reduced from one (1) space per two beds to one  
(1) space per three beds. This would also be the parking standard for Group Senior  
Assisted Housing.

Sincerely,

P. David Fields, Secretary  
Baltimore County Planning Board

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FINAL.RPT/TXT/HSR

Enclosures

cc: The Honorable Roger B. Hayden, County Executive  
Members, Baltimore County Council  
Merreen E. Kelly, Administrative Officer  
Thomas Peddicord, Legislative Counsel/Secretary  
Lawrence Schmidt, Zoning Commissioner  
H. Emslie Parks, County Attorney  
Louis Waldner, Executive Assistant  
Patrick Roddy, Director, Legislative Relations  
Arnold Jablon, Director, ZADM  
Peter Max Zimmerman, People's Counsel  
Frank Welsh, Director, Community Development



MICROFILMED

Legislative Project #92-10  
Part 1

Staff Report Introduced May 19, 1993  
Planning Board Hearing June 17, 1993  
Planning Board Discussion July 1, 1993  
Final Adoption July 15, 1993

PROPOSED AMENDMENTS TO THE  
BALTIMORE COUNTY ZONING REGULATIONS  
REGARDING ASSISTED LIVING FACILITIES  
AND GROUP SENIOR ASSISTED HOUSING

A Final Report of the Baltimore County Planning Board  
Adopted July 15, 1993

PROJECT DESCRIPTION

This project is in response to Council Resolution 103-92. The Council and Administration requested the Planning Board to consider amendments to the Baltimore County Zoning Regulations to provide for all types of residences for the elderly. This report, focussing on group senior assisted housing, will be the first of a three part response to this Resolution. A second report will include refinements to Bill 36-88 (see below) and a third will discuss accessory and shared housing.

BACKGROUND

In 1988, Council adopted Bill 36 which provided new definitions for "housing for the elderly," "continuing care" and "assisted living facilities." The bill also provided new density standards for housing for the elderly in D.R. zones and a special procedure for continuing care facilities at institutional, historic and hospital sites.

Assisted living facilities are defined in Section 101 as:

A building or section of a building that provides a residential living environment assisted by congregate meals, housekeeping, and personal services for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for any person, regardless of age, who has a physical or developmental disability. Density for such facilities shall be calculated at .25 for each bed.



Assisted living facilities are permitted in D.R. zones by right for three or fewer persons and by special exception if there will be more than three residents.

Group Senior Assisted Housing is a program established by the State and administered through the Maryland Office on Aging by local jurisdictions, with private providers operating the homes. In Baltimore County, the Department of Aging would be responsible for certifying the home and monitoring it. The program provides housing, usually in a converted dwelling, for four to 15 frail, elderly residents who require living assistance but not skilled nursing care. The County considers this program to fall into the category of Assisted Living Facility.

While other jurisdictions throughout the State have established programs and have dwellings in place, there is no Group Senior Assisted Housing in Baltimore County, even though the State began the program in 1976. One of the major deterrents identified by those who have tried to develop this housing in the County is the need to obtain a special exception before opening such a facility. This is a lengthy and expensive process. Other obstacles include expensive building changes needed to comply with the BOCA (building) and Life Safety (fire) codes.

The focus of this Report is on the zoning issues which may be preventing such facilities from being built. Administrative efforts are underway to determine possible modifications to other County requirements which would allow these homes to be opened while assuring the safety of the residents who will live in them.

## DISCUSSION

The Master Plan 1989-2000 expresses the County's commitment to increasing the supply of housing for the elderly and conserving communities. A balanced approach is therefore required.

The Planning Board considered the possibility of allowing all assisted living facilities by right. However, a number of kinds of housing are included in this definition, some of which may approach sizes of 30 or more people, so that they become more institutional rather than residential. The Planning Board does not recommend that all assisted living facilities be permitted by right.

Group senior assisted housing is only for the frail elderly. The residents cannot live independently, but are not sick enough to require the services of a nursing home. They will not be making any trips to work and will rarely make trips even for shopping or recreation. They do not require extensive staffing at the home to meet their needs. Each home is limited by the State to no more than 15 residents, while the actual number may be less depending on the capacity of the house and the site.

Because group senior assisted housing is a "quiet" land use, with few trips generated by residents or staff and the total number of residents strictly limited, staff recommends a separate definition in the Zoning Regulations. This will enable group senior assisted housing to be built according to a set of standards appropriate for this use.

Experience with similar types of development indicates that for projects involving substantial expansions of existing dwellings or new dwellings, the impact on a neighborhood may be considerable, and a special exception procedure is justified. The expansion or new dwelling may change the residential character of the property. Also, the larger the facility, the more parking will be required and as private yards become parking lots, this will have an effect on the neighborhood.

While a new building or a major addition to an existing dwelling can disrupt the residential fabric of a community, the conversion of a dwelling, especially if only a few additional parking spaces will be needed, tends to have little impact on the surrounding neighborhood. This is usually the case even if there will be more than four residents. A special exception process is not necessary in these situations.

The Planning Board recommends two different classes of group senior assisted housing:

Class A group senior assisted housing would be located in converted dwellings, schools or other existing buildings. Provided the building will not be enlarged by more than 25% of ground floor area, it would be permitted by use permit. The actual number of residents would depend on the zone and the size of the lot, as shown on the table on page 7. If the residential appearance of the structure and its setting will be maintained, Class A group senior assisted housing would not need to meet the residential transition area requirements which call for extra setbacks and landscaping. Because the use is so similar to use as a single family dwelling, the extra buffering is not needed and adds unnecessary expense.

Class B group senior assisted housing would include an existing building enlarged by more than 25% of ground floor area or a new building constructed for this purpose. Class B group senior assisted housing would be permitted only by special exception in residential zones. It would be subject to the full Development Plan review process, including a compatibility finding.

Group senior assisted housing (Class A and Class B) would need to meet specified performance standards. Signs would be strictly limited. Parking would be confined to the side or rear of the property, except for situations like a circular driveway where the use of a front yard for parking could be a superior plan or if existing spaces on a driveway or in a residential garage would be used.

For Class A group senior assisted housing, the Planning Board recommends a limited exemption of the development review process. Class A group senior assisted housing would not be subject to Division 2 of the Development Regulations. This means that a concept plan and a development plan would not be required and a "community input meeting" would not be held. Staff recommends a limited exemption because the scale of the conversion will involve such minimal change that the use will be virtually no different than use of the property as a single family home.

While conversions will have virtually no land use impact in the community, it is important for neighbors to know in advance about any Group Senior Assisted Housing, regardless of the size. Experience throughout the State shows that when neighbors know about who will be in charge of the housing, the general mental and physical condition of the residents and what to do in case of emergency, it is likely that the facility will be integrated into the community. There are fewer problems for both the senior residents and neighbors than in cases where the community had not received information. For Class A group senior assisted housing, the County's Department of Aging should require a "community information meeting" as part of the certification process.

Because the conversion of a home to Group Senior Assisted Housing does not involve development, staff recommends that a Final Development Plan not be required for Class A Group Senior Assisted Housing.

The definition of "assisted living facility" would also be modified to clarify a long-standing County policy. For density calculation purposes, it is important to distinguish between an efficiency apartment and an assisted living facility unit. Zoning Administration and Development Management considers a sleeping room which has a complete kitchen, including a stove, to be an efficiency apartment with density of .75 density unit. A room which does not have this type of kitchen is considered assisted living and is not subject to this density calculation. The definition would also clarify that services brought into an apartment building to provide personal services and meals to residents should not be interpreted as changing the use to assisted living.

Finally, the parking standard for both group senior assisted housing and assisted living facilities should be reduced from one parking space for every two beds to one space to every three beds. The current standard is higher than the parking standard for a nursing home, yet this type of use actually generates less parking because there is not as much staff.

## RECOMMENDATIONS

The Baltimore County Zoning Regulations, 1955, as amended, should be further amended as indicated below. Brackets { } indicates text to be deleted and Bold indicates text to be added.

1. In Section 101, modify the definitions of "Assisted Living Facility" and "Elderly Housing Facility":

Assisted Living Facility. A building or section of a building that provides a residential {living} environment assisted by congregate meals, housekeeping, and personal services, for persons 62 years of age or older, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for {any} persons, regardless of age, who {has} have {a} physical or developmental disabilit{y}ies. For the purposes of these Regulations, this definition does not include:

- 1) a room or dwelling unit containing a complete kitchen, including a stove, intended for the daily preparation of meals for the resident or
- 2) the provision of personal, housekeeping and congregate meal services in housing for the elderly, in a multi-family building or in other dwellings designed with complete kitchens in individual units.

Density for such facilities shall be calculated at .25 for each bed. For the purposes of these Regulations, Group Senior Assisted Housing, as defined in Section 101, shall not be considered an Assisted Living Facility.

{Elderly Housing Facility} Housing Facility for the Elderly. The term {elderly housing facility} housing facility for the elderly includes an assisted living facility, a continuing care facility, Class A or Class B group senior assisted housing, and Class A or Class B housing for the elderly {facility}.

2. Add new definitions for Group Senior Assisted Housing:

Group Senior Assisted Housing. A residence for no more than 15 persons 62 years of age or older which provides three daily meals in a family setting, housekeeping, and personal services such as assistance with bathing, dressing or laundry and which is certified as Group Senior Assisted Housing by the Maryland Office on Aging.

Group Senior Assisted Housing, Class A. A group senior assisted housing residence which is located in a converted dwelling or other building that has not been enlarged by more than 25% of ground floor area to accommodate the facility. For the purposes of this definition, enclosure of a porch of a house or the addition of an exterior stairway at the side or rear of the building does not constitute external change or enlargement.

Group Senior Assisted Housing, Class B. A group senior assisted housing residence which is located in a new building constructed for that purpose or in a dwelling or other building that has been enlarged by more than 25% of ground floor area in order to accommodate the facility.

3. In Section 409.6, modify the parking standard for assisted living facilities (under Elderly Housing Facilities), and provide the same parking standard for Group Senior Assisted Housing:

{Elderly Housing Facilities} Housing Facilities for the Elderly. For assisted living facilities and group senior assisted housing, at least 1 usable off-street parking space shall be provided for each {two} three beds, except that the Director of Zoning Administration and Development Management may reduce the requirement to as few as none upon the recommendation of the Directors of Planning and Public Works that: 1) adequate on-street parking is available; and 2) the use of such parking would better maintain residential character than the provision of off-street parking; and 3) the use of on-street parking would not cause traffic congestion or create unsafe conditions or affect the availability of parking for nearby residents and the public.

4. Modify 432.1, paragraph A.1 (for the D.R. zones) as follows:
  - A. 1. Housing for the elderly {and assisted living facilities for three or fewer} shall be permitted by right.
  2. Assisted living facilities for three or fewer shall be permitted by right.
  3. Subject to Subsection 432.5, group senior assisted housing shall be permitted as follows:
    - a. Class A, by use permit;
    - b. Class B, by special exception;
  4. Continuing care facilities shall be permitted by special exception. Assisted living facilities of four or more and assisted living facilities developed in conjunction with a nursing home shall be permitted by special exception.
  5. {Elderly} Housing facilities for the elderly are not permitted in any Baltimore County Historic District, except for Class A group senior assisted housing.

6. An applicant for special exception to develop a {elderly} housing facility for the elderly may combine in the same special exception petition a request for modification or waiver of the maximum residential density standard or building height standard as set forth in Section 432.2 or a request for modification or waiver of residential transition area restrictions, or all as set forth in Section 432.2, 432.3, and 432.4.

5. In Subsection 1B01.3 (Plans and Plats in D.R. Zones), modify Paragraph A.3 as follows:

Subdivision Lot Sales, Development, and Use Subject to Partial Development Plan. No interest in any lot which is in a D.R. zone and is hereafter created by subdivision of a record lot existing on the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Subparagraph 5, below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. The provisions of this paragraph shall not apply to Class A group senior assisted housing.

6. In Subsection 1A04.2 (Uses permitted as of right in R.C. 5 zones) add:

2A. Group senior assisted housing, Class A

7. Add a new Subsection 432.5 as follows:

432.5 Group Senior Assisted Housing

A. Density

1. Group Senior Assisted Housing, Class A. The residence shall be located on a lot that will meet all of the density requirements for its size and zone, except that if there will be more than six residents, the following table shall apply:

ZONE

Sq. Feet MIN. LOT SIZE	RC5/DR1	DR2	DR3.5	DR5.5	DR10.5/16
Seven Residents	50,000	25,000	12,500	10,000	9,000
Each Additional Resident	5,000	3,800	2,000	1,500	1,200

2. Group senior assisted housing, Class B. The minimum lot area shall be one acre or 2,000 square feet per resident, whichever is more.

B. Performance Standards

1. Standards for Class A and Class B assisted residences:
  - a. Except for the signs permitted by 413.1, no other signs or displays of any kind visible from outside the or displays shall be permitted.
  - b. Off-street parking shall be provided in accordance with Section 409, but no structured parking shall be permitted, except for a residential garage, as defined in Section 101.
  - c. Parking shall be at least 10 feet from the property line except that if the property line abuts an alley, no setback is required provided that the alley does not abut the front or rear yard of a residentially used property. This requirement shall not apply to spaces existing before the effective date of these Regulations.

- d. Parking and delivery areas shall be located in the side or rear only, unless the Director of Zoning Administration and Development Management, upon the recommendation of the Director of the Office of Planning, determines that there will be no adverse impact on adjacent properties by using the front yard. This requirement shall not apply to parking spaces existing on the effective date of these Regulations.
  - e. Group senior assisted housing, Class A which involves change to the exterior of the building or reconstruction after the building has been destroyed shall be subject to review for compatibility of the proposed changes in relation to existing structures in the immediate vicinity. (1) At the time of application for a building permit, plans or drawings of the building, sufficient to determine compatibility, and photographs representative of the vicinity shall be submitted to Zoning Administration and Development Management (ZADM). (2) ZADM shall notify the Director of the Office of Planning and Zoning who may make, within 15 days of the request, written recommendations concerning the compatibility of the proposed changes with regard to: major divisions or architectural rhythm of facades; roof design and treatment; materials and colors and other aspects of facade texture or appearance. (3) The Director of ZADM may approve, disapprove, or modify the building permit based on the recommendations, if any, of the Office of Planning and Zoning.
  - f. Group senior assisted housing Class B shall be subject to a compatibility finding pursuant to Section 26-282 of the Development Regulations.
  - g. The lot shall provide useable, contiguous, private open space of at least 500 square feet.
2. Additional standards for Group Senior Assisted Housing, Class A:



- a. Group Senior Assisted Housing, Class A shall be exempt from Division 2, Article V, Title 26 of the County Code, 1988, provided there will be no enlargement of the building and the residential appearance of the structure and its setting, including accessory parking spaces, will be maintained so that the converted dwelling will be highly compatible with adjacent residential property. This determination shall be made by the Director of the Office of Planning and Zoning, upon review of a plan which indicates the size of the lot, square footage of the building, proposed parking and loading spaces and proposed private open space.
- b. The reconstruction of Group Senior Assisted Housing, Class A which is destroyed by fire or other casualty may not increase the size or gross floor area of the structure or alter its location without a special hearing.

3. Additional standards for Class B Group Senior Assisted Housing:

- a. The lot shall meet the minimum setback, maximum height and maximum coverage for other principal buildings for the zone where it is located;
- b. The lot shall have frontage on a principal arterial as defined in these Regulations, except if the facility is located in a property which is designated as historic or is in a historic district, as identified on the zoning maps;

9. In Subsection 1B01.B.1.g (Exceptions to residential transition areas):

(13) Group senior assisted housing, Class A

10. Add a new policy to the Department of Aging's Manual of Administrative Procedures:

As part of the certification process for Group Senior Assisted Housing, a community information meeting shall be held by the applicant. The property shall be posted with the date, time and location of the meeting and shall occur no sooner than 21 days after or no later than 30 days after posting. The meeting shall take place in the vicinity of the proposed residence, or in Towson if no other meeting site can be arranged. A representative of the Department of Aging shall attend and take minutes at the meeting. The applicant shall discuss the number of residents

at the proposed home; the likely general physical and mental condition of the residents; the name of the owner or manager of the home; the anticipated traffic, including truck traffic, and hours of delivery. The applicant shall explain who should be contacted in case of emergency, or for any other problem such as maintenance of the home and yard. In the case of Group Senior Assisted Housing which is subject to Division 2 of Title 26 of the County Code, 1988, the community information meeting required by that Section of the Code shall meet the needs of this policy. If external change to the building will be involved, such changes shall be explained and the meeting will be attended by a representative of the Office of Planning and Zoning.

ADVISORY GROUP  
ASSISTED LIVING FACILITIES

Steve Nolan, Attorney  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue  
Towson, MD 21204

Arlene Rosenberg  
Sudbrook Park Resident  
218 Church Lane  
Baltimore, MD 21208

Cass Gottlieb, Architect  
G & F Architects  
519 W. Pratt St., Suite 101  
Baltimore, MD 21201

Brenda Walker  
Lifespring, Inc.  
2200 Pleasant Villa Avenue  
Catonsville, MD 21228

Dale McArdel  
Associated Catholic Charities  
320 Cathedral Street  
Baltimore, MD 21201

Florine Giles, Planning Board  
3527 Millvale Road  
Baltimore, MD 21244

Gail LeCompte, Council Aide  
County Council Office  
Courthouse  
400 Washington Avenue  
Towson, MD 21204

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 24  
RESOLUTION NO. 103-92

---

MR. WILLIAM A. HOWARD, IV, COUNCILMAN  
(BY REQUEST OF THE COUNTY EXECUTIVE)

---

BY THE COUNTY COUNCIL, DECEMBER 21, 1992

---

A Resolution to request the Planning Board to consider amendments to the Baltimore County Zoning Regulations which would provide comprehensively for the establishment of housing facilities for the elderly, including dwelling units for those who can live independently, assisted living facilities for the frail elderly, and other congregate facilities for those requiring various levels of services.

WHEREAS, the Baltimore County Planning Board from time to time considers revisions to the Baltimore County Zoning Regulations; and

WHEREAS, the percentage of persons aged 65 and over in Baltimore County doubled between 1970 and 1990 and Baltimore County has the highest median age of any jurisdiction in the region, a trend which is likely to continue; and

WHEREAS, the County Council adopted Bill 36-88, which amended the Zoning Regulations in order to define certain types of facilities for the housing of the elderly and to permit the waiver of certain Zoning Regulations under certain conditions and adopted Council Resolution 10-92 which requested the Planning Board to consider amendments to the Zoning Regulations with regard to housing for the elderly in rural areas; and

WHEREAS, despite the success of Bill 36-88 under which more large-scale continuing care facilities for the elderly were built in Baltimore County than in any jurisdiction in the region, the County still does not adequately provide for housing at a smaller community scale within the neighborhood; and

WHEREAS, the difficulty of establishing Group Senior Assisted Housing Facilities, a type of housing certified by the State which provides affordable, small-group housing for the frail elderly, indicates the need to consider regulations which would make the establishment of such facilities easier while assuring that surrounding homes will not be encroached upon by institutional uses; and

WHEREAS, experience with development under the provisions of Bill 36-88 shows that refinements to the Regulations are needed, in particular, that the current provisions allowing the Zoning Commissioner to permit a density increase for housing for the elderly requires further definition and possible reconsideration; and

WHEREAS, surrounding jurisdictions are successfully establishing programs to expand the supply of accessory apartments and shared housing, both of which increase the availability of affordable housing within communities.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board be and is hereby requested to study the feasibility of amending the Zoning Regulations to provide comprehensively for housing for the elderly.

R10392/RES92



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

January 15, 1997

Michael Gisriel, Esquire  
GISRIEL & BRUSH, P.A.  
Suite 400  
210 E. Lexington Street  
Baltimore, MD 21202-3514

Re: Case No. 96-507-XA  
303 N. Rolling Road Partnership

Dear Mr. Gisriel:

We are in receipt of your letter dated January 13, 1997 in which you request a postponement of the subject matter scheduled for hearing on Tuesday, February 18, 1997, due to your lobbying activities in Annapolis on that date.

While we make every effort to accommodate the schedules of those who appear before the Board, we are unable to grant your request for a Monday or Friday hearing. Hearings before the Board are scheduled on one of three normal hearing days; i.e., Tuesday, Wednesday or Thursday. On rare occasions, and in unusual circumstances, the Board will sit on a Friday, but only for the purpose of continuing an ongoing matter, or meeting a timeframe as required by statute.

Accordingly, your request for a Monday or Friday hearing date for the subject matter now scheduled for Tuesday, February 18th, is denied.

Very truly yours,

A handwritten signature in cursive script, reading "Robert O. Schuetz".

Robert O. Schuetz, Chairman  
County Board of Appeals

Enclosure

cc: Richard Ainsworth  
Frederick B. Cascio  
Kirby Spencer  
Valerie Schwaab  
Chris Brennan  
People's Counsel for Baltimore County

Cathy Sidlowski  
Marita Cush  
Mr. & Mrs. Ed Flynn  
Virginia W. Barnhart  
/ County Attorney

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LAW OFFICES

**GISRIEL & BRUSH, P.A.**

SUITE 400

210 EAST LEXINGTON STREET  
BALTIMORE, MARYLAND 21202-3514

TEL: (410) 539-0513

(301) 585-1249 (WASH., D.C. AREA)

FAX: (410) 625-3859

120 SECOND STREET  
LAUREL, MARYLAND 20707

702 RUSSELL AVENUE  
SUITE 207  
GAITHERSBURG, MARYLAND 20877

6310 STEVENS FOREST ROAD  
SUITE 100  
COLUMBIA, MARYLAND 21046

300 FREDERICK ROAD  
SUITE 100  
CATONSVILLE, MARYLAND 21228

January 13, 1997

County Board of Appeals  
Old Courthouse - Room 49  
400 Washington Avenue  
Towson, Maryland 21204  
Attn: Kathleen C. Bianco  
Legal Administrator

Re: Request for New Hearing Date  
Case No.: 96-507-XA  
In Matter Of: 303 N. Rolling Road  
Partnership-Petitioner W/s N. Rolling Road;  
280' N of Beverly Road 1st E; 1st C Districts

Dear Baltimore County Board of Appeals:

Regarding the above captioned matter which has currently been assigned a Hearing Date of Tuesday, February 18, 1997 at 10:00 A.M., I humbly ask for a new hearing date on a Friday. (I understand that you do not hear cases on Mondays which would be even better).

As you may know, I am a full-time Legislative Lobbyist in the Maryland General Assembly which is currently in the middle of its annual Legislative session. I have a conflict on Tuesdays, Wednesdays and Thursdays during the Session but I am available on Fridays and Mondays. Consequently, please, if possible, reschedule the above captioned matter for a Friday (or Monday) and then please notify me of the new date, time and place. I don't anticipate the Appeal to take more than 2 to 3 hours. Thank you for your kind attention to this matter. I am

Very truly yours,



Michael Gisriel

MG:wlf

cc: Richard Ainsworth, Petitioner

118 Oakdale Ave.  
Catonville, MO 21228

July 19, 1996

Mr. Larry Schmidt  
Balto. Co. Zoning Commissioner  
Fax 897-3468

Dear Mr. Schmidt,

Before rendering a decision on North Rolling Road Partnership's request for a special exception to increase the occupancy of the Parkside Assisted Living Facility from eight residents to fifteen residents, please review the following information.

In 1994, Mr. Katozco conditionally approved a development plan for this property. Mr. Kugelberg was the project manager for this development. 303 N. Rolling Rd. (Ginn) was subdivided into 5 lots and the residence on Lot 1 was converted to a single family residence. This is the residence now used as an ALF. To date, Mr. Ducker has not been able to meet the conditions for the development of the back lots.

In 1995, Mr. Ducker requested a plan refinement approval from the Development Review Committee. Part of the refinement was the conversion of the residence on Lot 1 to a Class A ALF. No variances or special exceptions were needed for this conversion. The refinement was approved conditionally (the conditions applied to the back lots). At this DRC meeting it was explained that conversion of a single family dwelling into a Class A facility is a matter of right. Community residents have never opposed a Class A facility.

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Valerie K. Schwab



To increase the profit generated through the operation of this ALF, the Partnership illegally changed the size of the structure to be able to house more residents and to meet the building size standards for a Class B facility allowing for 15 residents. At no time has the developer had zoning approval for more than B residents. The developer has also ignored the process necessary to obtain such approval.

Members of the our community association believe there is a big difference between allowing a Class A and a Class B facility. We fear that allowing a Class B facility will change the character of our residential neighborhood and encourage an influx of large institutional and commercial uses into it. Granting this special exception request penalizes the neighboring residents for the illegal actions of the developer.

We ask that you deny the Partnership's request for a Class B facility and allow instead the operation of a Class A facility which has already been approved and requires no variances or special exceptions.

Thank you for your consideration.

Sincerely,  
Valerie K. Schwan

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IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF  
303 N. ROLLING ROAD  
PARTNERSHIP

\*  
\*  
\*  
\*  
\* C-97-6654  
\*  
\*

\* \* \* \* \*

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
(Hearing)

April 29, 1998  
Towson, Maryland

BEFORE: THE HONORABLE ALFRED L. BRENNAN, SR.

APPEARANCES:

On behalf of the Petitioner:

MICHAEL GISRFEL, Esquire

On behalf of Baltimore County:

PETER MAX ZIMMERMAN, Esquire

MICROFILMED

FILED NOV 02 1998

Patricia M. Dudzinski  
Official Court Reporter

IN THE MATTER OF           \*       BEFORE THE  
303 N. ROLLING ROAD    \*       COUNTY BOARD OF APPEALS  
PARTNERSHIP - PETITIONER \*       OF  
FOR SPECIAL EXCEPTION AND \*       BALTIMORE COUNTY  
VARIANCES ON PROPERTY   \*       Case No. 96-507-XA  
LOCATED ON WEST SIDE    \*       April 17, 1997  
NORTH ROLLING ROAD, 280' \*  
WEST OF BEVERLY ROAD    \*  
1st ELECTION DISTRICT    \*  
1st COUNCILMANIC DISTRICT \*

ORIGINAL

\* \* \* \* \*

The above-entitled matter came on for hearing  
before the County Board of Appeals of Baltimore County at  
the Old Courthouse, 401 Washington Avenue, Towson,  
Maryland 21204 at 10:40 a.m., April 17, 1997.

\* \* \* \* \*

Reported by:

C.E. Peatt

MICROFILMED

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## Page 1

1 IN THE MATTER OF \* BEFORE THE  
 2 303 N. ROLLING ROAD \* COUNTY BOARD OF APPEALS  
 3 PARTNERSHIP - PETITIONER \* OF  
 4 FOR SPECIAL EXCEPTION AND \* BALTIMORE COUNTY  
 5 VARIANCES ON PROPERTY \* Case No. 96-507-XA  
 6 LOCATED ON WEST SIDE \* February 18, 1997  
 7 NORTH ROLLING ROAD, 280' \*  
 8 WEST OF BEVERLY ROAD \*  
 9 1st ELECTION DISTRICT \*  
 10 1st COUNCILMANIC DISTRICT \*  
 11 \* \* \* \* \*  
 12 The above-entitled matter came on for hearing  
 13 before the County Board of Appeals of Baltimore County at  
 14 the Old Courthouse, 401 Washington Avenue, Towson,  
 15 Maryland 21204 at 10 o'clock a.m., February 18, 1997.  
 16 \* \* \* \* \*  
 17  
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 19  
 20 Reported by:  
 21 C.E. Peatt

1	Witness	INDEX			
		Direct	Cross	Redirect	Recross
2	Richard Ainsworth	35	78	116	124
3	Matthew Decker	135	149		

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ORIGINAL

## Page 2

1 BOARD MEMBERS:  
 2  
 3 ROBERT O. SCHUETZ, Chairman  
 4 HARRY E. BUCHHEISTER, JR.  
 5 CHARLES L. MARKS  
 6  
 7  
 8 APPEARANCES:  
 9 MICHAEL GISRIEL, Esquire  
 On behalf of Petitioners  
 10 PETER MAX ZIMMERMAN, Esquire  
 11 People's Counsel  
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1	EXHIBITS	
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	No. 6	42
5	No. 7	42
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6	No. 9	51
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7	No. 11	140
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10	People's Counsel Exhibit No.	Page
	No. 1	12
11	No. 2	13
	No. 3A	85
12	No. 3B	85
	No. 4	93

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Parkside Assisted Living Facility

7/18/96 (8 more days) - 303 N. Rolling Rd Catonsville

Sr. Assisted living Facility - Balt. Co. 138,000 over 65 yrs of age

Exhibits list

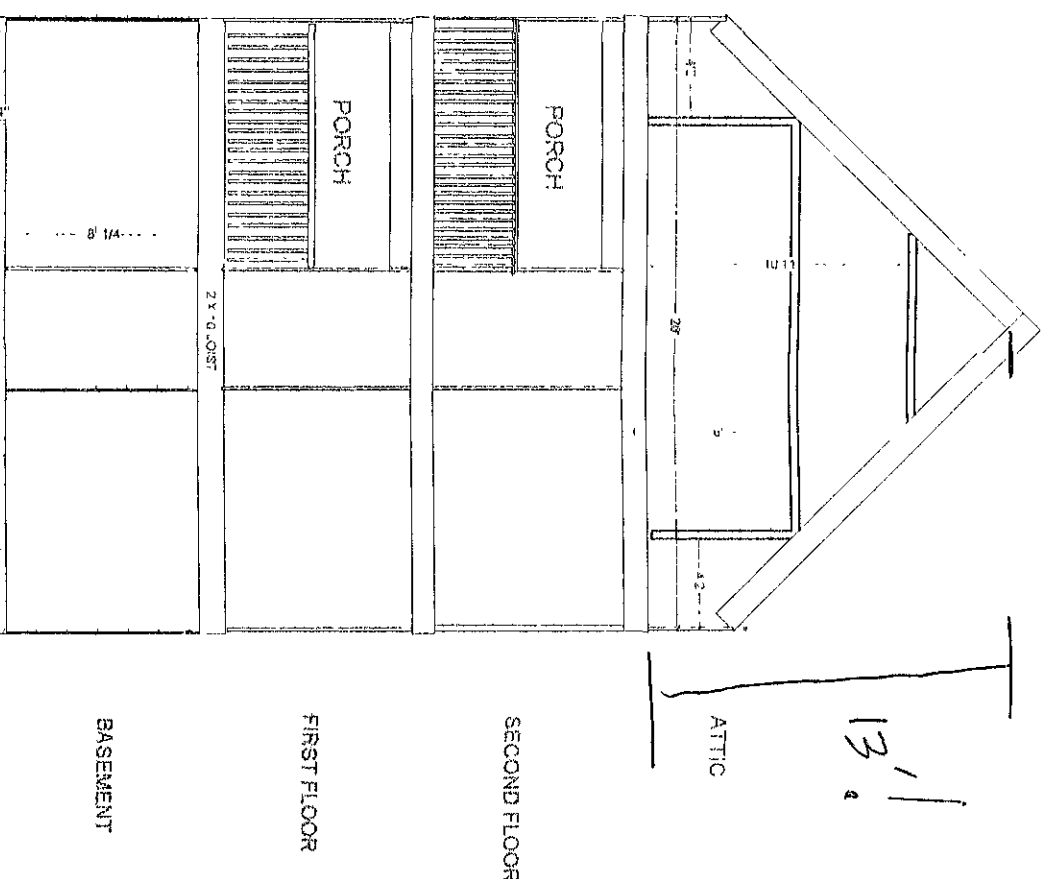
#	<u>Red</u>	#	<u>Prot</u>
1	Photos on board b/f/after	1	Community Assoc. letter
2	Photos of interior		
✓3	letters of support		
✓4	Site Plan		
5	Mock Sign <del>to</del>		

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# CROSS-SECTION

- General Notes:
1. Zoning DR-2
  2. Proposed Lot Size 55,627.51 SQ. FT.
  3. Proposed Residents 15
  4. Lot Size Required for 15, 55,400 SQ. FT.
  5. Max. Expansion for Class A, 24.99% of ground floor foot print

- Additional Notes
1. Original Ground Floor Foot print: 1,944 sq ft (Ex 5 years prior to application 12/15/95)
  2. 1,944 \* 24.99% = 485.80
  3. Additional Gross Floor Area: 485.08 SQ FT (As of 02/13/99)
  4. Basement and Attic to be used as storage
  5. Exterior stairs not included in floor area

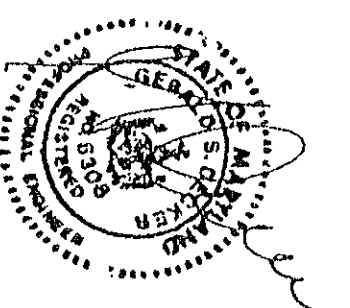


- Legend:
- [Hatched Box] = EXTERIOR STAIRS/PORCHES
  - [Solid Black Box] = ORIGINAL BUILDING (REPLACED BY NEW ADDITION)
  - [White Box] = AREA TO BE USED AS STORAGE ONLY

NOTE: BASEMENT AND ATTIC S WILL ONLY BE USED FOR STORAGE

Property Address:  
303 N. Rolling Road  
Catonsville, Maryland  
21228

Owners: 303 N.  
Rolling Road General  
Partnership

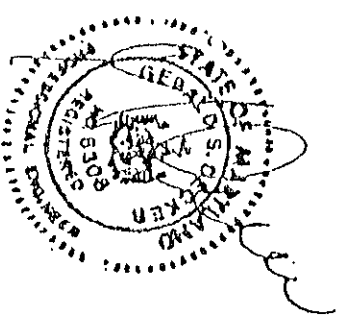


PREPARED BY:  
Gerald S. Decker, P.E.  
305 N. Rolling Road  
Catonsville, Maryland  
21228  
(410) (410) 747-4830

SCALE 1/8" = 1'-0"  
December 11, 1998

Callahan 11/16/99  
MSB 11/16/99  
11/16/99

PER DEF 101 AUF  
BASED ON INCREASE OF  
% BUILDING PER DEF 101  
BLDG IS WITHIN CANT  
ADDITION OF EXTERIOR PER  
STAIRS DOESN'T COUNT PER  
A 3.2.2.5 B.I.C.D.(C)



Geoffrey S. Decker, M.D.

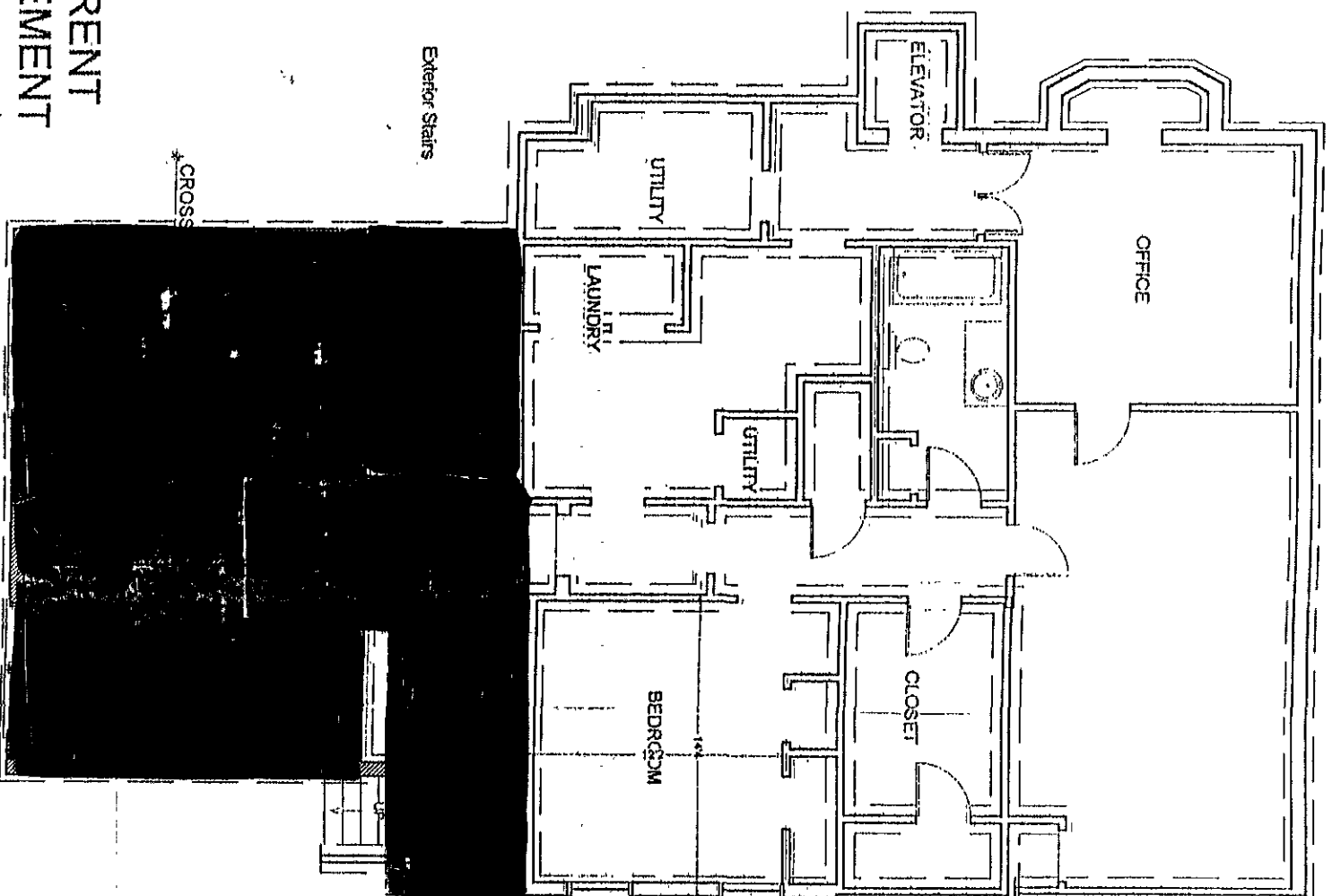
Catonsville, Maryland

0547430

SCALE 1/8" = 1'-0"  
December 11, 1998

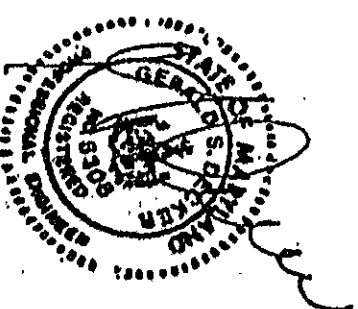


CURRENT  
BASEMENT



Property Address:  
303 N. Rolling Road  
Catonsville, Maryland  
21228

Owners: 303 N.  
Rolling Road General  
Partnership



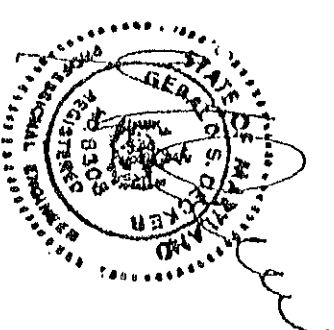
PREPARED BY:  
Gerald S. Decker, P.E.  
305 N. Rolling Road  
Catonsville, Maryland  
21228  
(410) (410)747-4830

SCALE 1/8" = 1'-0"  
JANUARY 8, 1999

O 85M NT PER WDR.

Property Address:  
303 N. Rolling Road  
Catonsville, Maryland  
21228

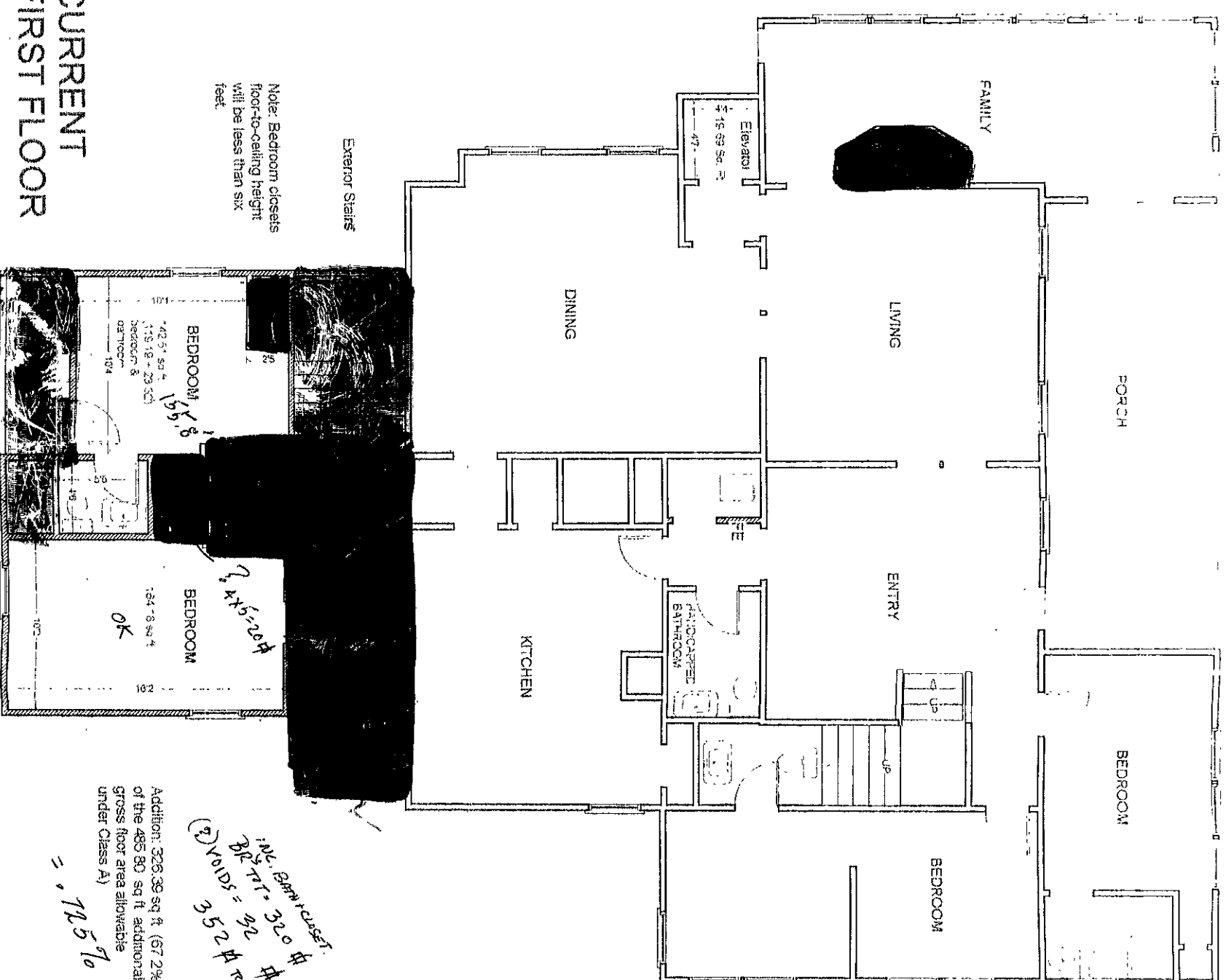
Owners: 303 N.  
Rolling Road  
General Partnership



PREPARED BY:  
Gerald S. Decker, P.E.  
305 N. Rolling Road  
Catonsville, Maryland  
21228  
(410) (410) 747-4830

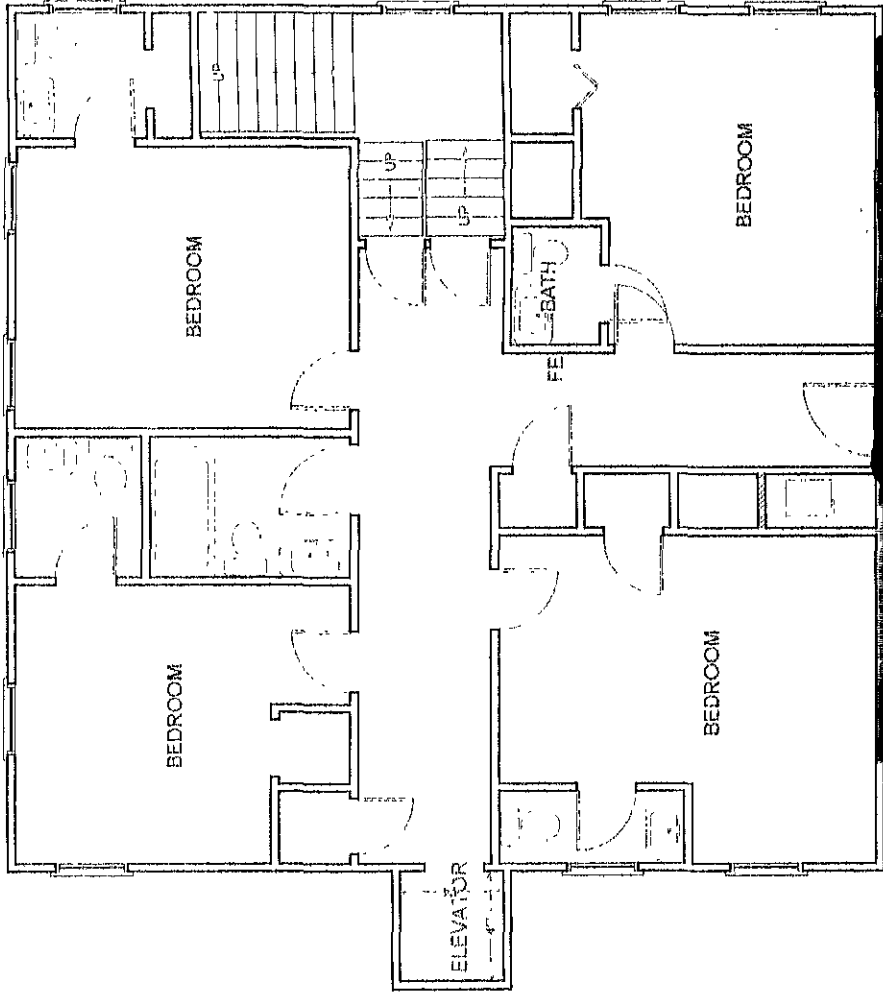
SCALE 1/8" = 1'-0"  
JANUARY 8, 1999

# CURRENT FIRST FLOOR

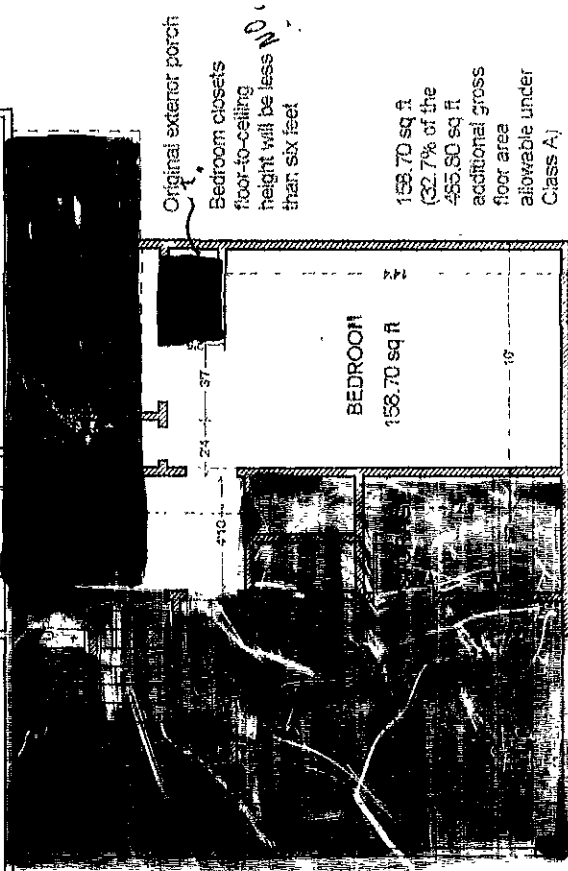


11'5" x 12'0" = 138.00 sq ft  
11'5" x 12'0" = 138.00 sq ft  
11'5" x 12'0" = 138.00 sq ft  
Total = 414.00 sq ft  
Addition: 326.39 sq ft (67.2%  
of the 485.80 sq ft additional  
gross floor area allowable  
under Class A)  
= 740.39 sq ft

31.04  
74.16



Exterior Stairs

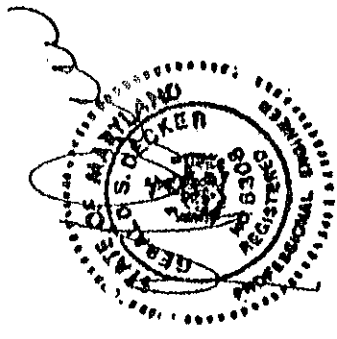


158.70 sq ft  
(32.7% of the  
455.80 sq ft  
additional gross  
floor area  
allowable under  
Class A)

# CURRENT SECOND FLOOR

Property Address:  
303 N. Rolling Road  
Catonsville, Maryland  
21228

Owners: 303 N.  
Rolling Road  
General Partnership

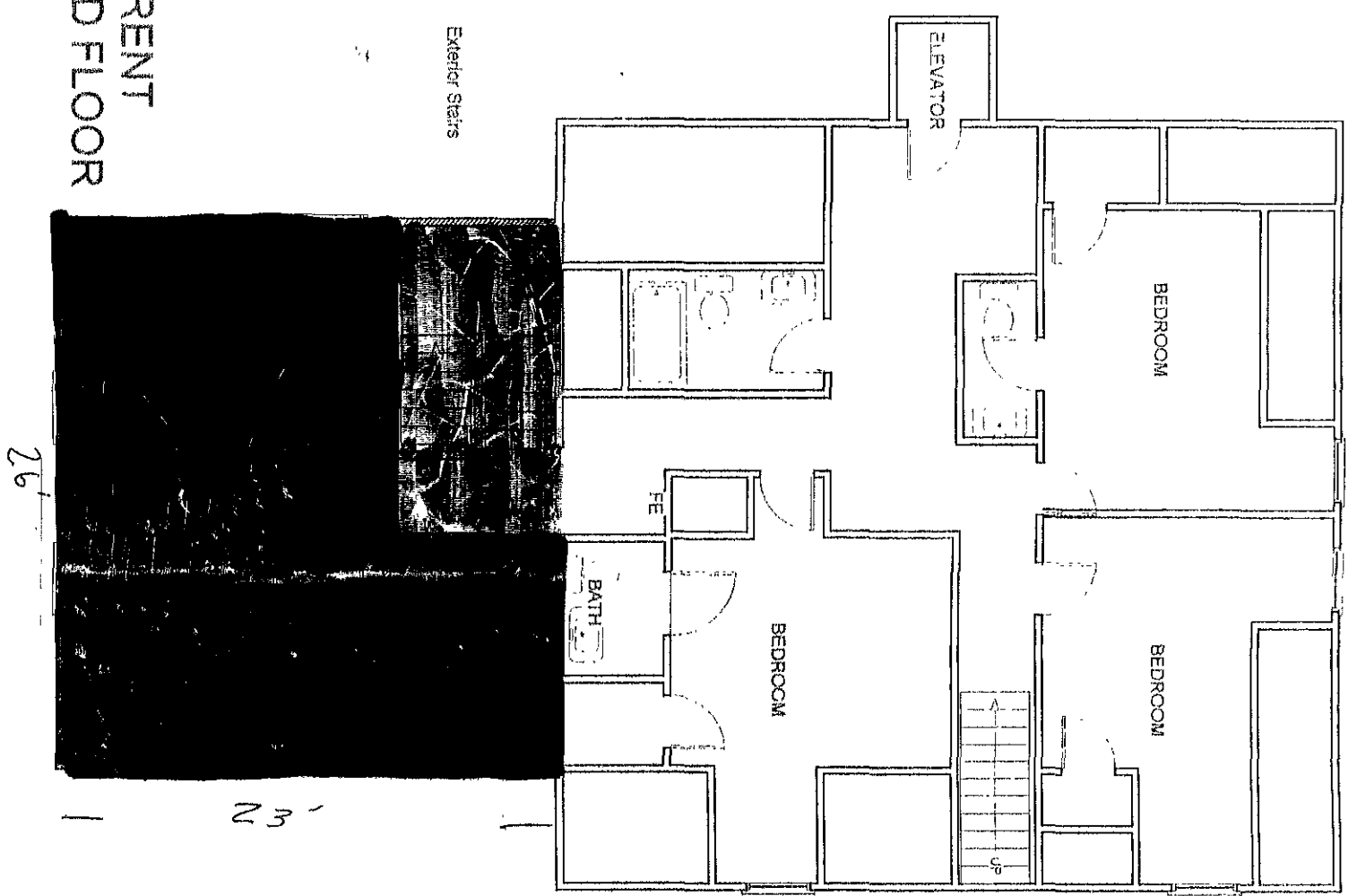


PREPARED BY:  
Gerald S. Decker, P.E.  
305 N. Rolling Road  
Catonsville, Maryland 21228  
(410) 747-4830

SCALE 1/8" 1'-0"  
JANUARY 8, 1999

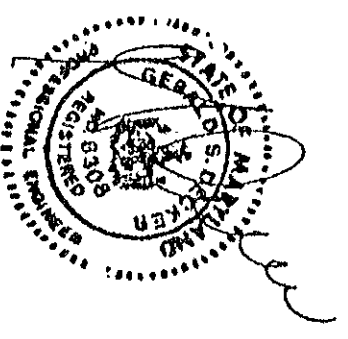
BR = 17 x 10 = 170 #  
+ 10.5 x 22 #  
+ 10.5 x 8.75 #  
+ 1.85 x 198 FT.  
+ 2.5 x 198 FT.  
TOTAL = 198 FT.  
= 40 %  
72.5 % 1st FLR  
+ 40 % 2nd FLR  
112.5 %  
or 12.5 %  
OVER

CURRENT  
THIRD FLOOR



Property Address:  
303 N. Rolling Road  
Catonsville, Maryland  
21228

Owners: 303 N.  
Rolling Road General  
Partnership



PREPARED BY:  
Gerald S. Decker, P.E.  
305 N. Rolling Road  
Catonsville, Maryland  
21228  
(410) (410) 747-4830

SCALE 1/8" = 1'-0"  
JANUARY 8, 1999

23x26 = 598 #  
- 8x14 (100 #) +  
23x26 486 # EXCEEDS  
3RD FLOOR 1156 # BY 11 #  
WHICH MAY BE 25 #  
THE MAXIMUM ALLOWABLE  
TOTAL = 212.5 #  
OR 485 #  
When Counting 3RD FLOOR

MAY 29, 1996

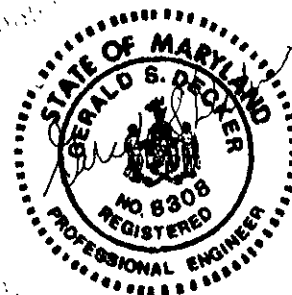
*Ref  
11*

DEED DESCRIPTION FOR 303 ROLLING ROAD

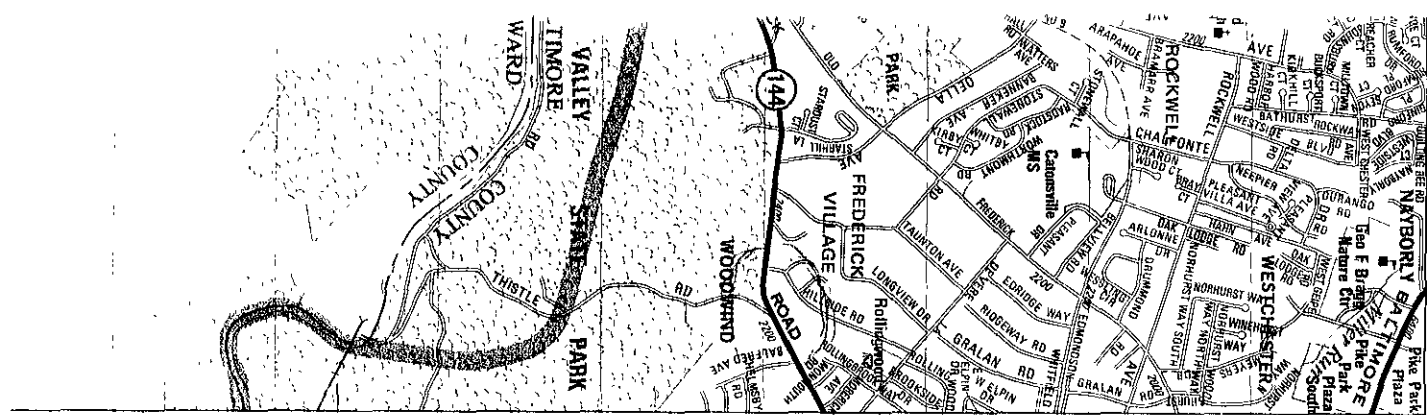
Beginning for the same at a point on the Southeast side of Rolling Road approximately 280 feet Northeast of the centerline of Beverly Road said point also being in the 4th or North 64 degrees 28 minutes 00 seconds West 607.96 foot line of the entire tract as described in a deed dated May 4, 1994 and conveyed by Chester E. and Dolores E. Grimes to The Decker Group, Inc. and recorded among the land records of Baltimore County Maryland in liber 10579 folio 366, said point being 20.25 feet from the end of said 4th line, thence leaving said 4th line and running with the Southeast side of Rolling Road and running for 5 new lines of division North 10 degrees 38 minutes 50 seconds East for a distance of 183.26 feet, thence leaving the Southeast side of Rolling Road South 70 degrees 39 minutes 38 seconds East for a distance of 264.86 feet, thence South 10 degrees 38 minutes 57 seconds West for a distance of 35.00 feet, thence North 70 degrees 39 minutes 38 seconds West for a distance of 30.00 feet, thence South 10 degrees 38 minutes 57 seconds West for a distance of 149.24 feet to intersect the 1st mentioned 4th or North 64 degrees 28 minutes 00 seconds West 607.96 foot line, thence running with part of said 4th line North 70 degrees 25 minutes 29 seconds West for a distance of 235.00 feet to the place of beginning containing 1.0031 acres of land more or less.

Being part of the land as described in a deed dated May 4, 1994 and conveyed by Chester E. Grimes and Dolores E. Grimes his wife to The Decker Group, Inc. and part of the land described in a deed dated October 8, 1992 and conveyed by Chester E. Grimes and Dolores E. Grimes, his wife to Matthew C. Decker and Margaret H. Decker, husband and wife and recorded among the land records of Baltimore County, Maryland in liber 9465 folio 48.

MICROFILMED



MICROFILMED



870,000 FT  
76°45'00"  
Joins Map 33  
880,000 FT  
76°42'30"  
P.C. #2  
MICROFILMED  
41

P.C.#3A

01/96 M.D.A.T. REAL PROPERTY SYSTEM 02/14/97  
OWNER INFORMATION BALTIMORE COUNTY

DISTRICT: 01 ACCT NO: 0113200650  
USE: RESIDENTIAL

OWNER NAME: 303 ROLLING ROAD PARTNERSHIP PRINCIPAL  
MAILING ADDRESS: 303 N ROLLING RD RESIDENCE  
BALTIMORE MD 21228-5309 NO

TRANSFERRED FROM: DECKER GROUP INC DATE: 01/29/96 PRICE: \$0

DEED REFERENCE: (1) /11404/ 558  
(2)  
TAX EXEMPT: NO  
POTENTIAL TAX LIABILITY  
\* NONE \*

PRESS: <F1> LOCATION INFO <F2> VALUE INFO  
<F6> SELECT NEXT PROPERTY

01/96 M.D.A.T. REAL PROPERTY SYSTEM 02/14/97  
LOCATION INFORMATION BALTIMORE COUNTY

DISTRICT: 01 ACCT NO: 0113200650  
NAME: 303 ROLLING ROAD PARTNERSHIP USE: RESIDENTIAL

PREMISE ADDRESS ZONING LEGAL DESCRIPTION  
303 N ROLLING RD  
17317 AC  
303 N ROLLING RD ES  
1400 FT N EDMONDSON RD

MAP	GRID	PARCEL	SUBDIV	SECT	BLOCK	LOT	GROUP	PLAT NO :
100	6	128					80	PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA		PROPERTY LAND AREA	COUNTY
YEAR BUILT	ENCLOSED AREA	31.872.00 SF	USE
1917	5.934 SF		04

PRESS: <F1> OWNER INFO <F2> VALUE INFO  
<F6> SELECT NEXT PROPERTY

01/96 M.D.A.T. REAL PROPERTY SYSTEM 02/14/97  
VALUE INFORMATION BALTIMORE COUNTY

DISTRICT: 01 ACCT NO: 0113200650  
NAME: 303 ROLLING ROAD PARTNERSHIP USE: RESIDENTIAL

	BASE VALUE	CURRENT VALUE	PHASE-IN VALUE	PHASE-IN ASSESSMENT
	AS OF	AS OF	AS OF	AS OF
	01/01/95	07/01/97	07/01/96	07/01/97
LAND	90.000	55.460		
IMPTS	273.420	283.300		
TOTAL	363.420	338.760	338.760	135.500

MICROFILMED



01/96  
OWNER INFORMATION

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

P.C.#3B

02/14/97

DISTRICT: 01 ACCT NO: 2200014869

USE: RESIDENTIAL

OWNER NAME: DECKER MATTHEW C  
DECKER MARGARET H

PRINCIPAL  
RESIDENCE  
NO

MAILING ADDRESS: 815 HILLTOP RD  
BALTIMORE

MD 21228-5309

TRANSFERRED  
FROM: GRIMES CHESTER E

DATE: 11/17/92 PRICE: \$19,000

DEED REFERENCE: 1) / 9465/ 48  
2)

POTENTIAL TAX LIABILITY

\* NONE \*

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO

<F6> SELECT NEXT PROPERTY

01/96  
LOCATION INFORMATION

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

02/14/97

DISTRICT: 01 ACCT NO: 2200014869  
NAME: DECKER MATTHEW C

USE: RESIDENTIAL

PREMISE ADDRESS  
305 ROLLING ROAD

ZONING

LEGAL DESCRIPTION  
2.3783 AC  
305 ROLLING RD E6  
1600 FT N EDMONDSON AV

NAP GRID PARCEL SUBDIV SECT BLOCK LOT GROUP  
100 6 1289 80

PLAT NO:  
PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA  
YEAR BUILT ENCLOSED AREA  
1990 976 SF

PROPERTY LAND AREA  
2.37 AC

COUNTY  
USE  
04

PRESS: <F1> OWNER INFO <F2> VALUE INFO

<F6> SELECT NEXT PROPERTY

01/96  
VALUE INFORMATION

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

02/14/97

DISTRICT: 01 ACCT NO: 2200014869  
NAME: DECKER MATTHEW C

USE: RESIDENTIAL

	BASE VALUE	CURRENT VALUE AS OF 01/01/95	PHASE-IN VALUE AS OF 07/01/97	PHASE-IN ASSESSMENTS AS OF 07/01/96	AS OF 07/01/97
LAND :	67.220	68.260			
IMPTS :	50.520	55.960			
TOTAL :	117.740	124.220	124.220	48.820	49.680

PREF LAND: 0 0 0 0 0

PARTIAL EXEMPT ASSESSMENTS

MICROFILMED

# APPLICATION FOR BUILDING PERMIT

P.C.#4

PERMIT #: B254973 CONTROL #: MR  
 LOCATION: 363 N ROLLING RD  
 SUBDIVISION: 1400 FT N EDMONDSON AV  
 TAX ASSESSMENT #: 0113206650

DIST: 01 PREC: 10

OWNERS INFORMATION  
 NAME: DECKER GROUP INC  
 ADDR: 303 N ROLLING RD

APPLICANT INFORMATION  
 NAME: MATT DECKER  
 COMPANY: DECKER GROUP INC  
 ADDR1: 815 HILLTOP RD  
 ADDR2: BALTO MD 21228  
 PHONE #: 788-9192

*just microfilm this  
 front page  
 do not unfold*

NOTES  
 DLS/COP  
 LICENSE #:

TRACT: BLOCK:  
 PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC YES PLUM NO  
 TENANT:  
 CONTR: OWNER  
 ENGR: SELLER:  
 WORK:

REMOVE EX DECK & CONST 1 STORY + BASEMENT  
 ADDIT. ON REAR OF EX. SFD. FIRST FLOOR TO  
 BE LIVING ROOM. BASEMENT TO BE STORAGE.  
 24'X24'X24'=576 SF PER FLOOR. 1,152SF TOTAL.  
 ALT TO CREATE ENTRANCE TO SAID ADDITION &  
 SOME NON-STRUCTURAL WORK.

MICROFILMED

PROPOSED USE: SFD + ADDITION/ALT.

EXISTING USE: SFD

BLDG. CODE: 1 AND 2 FAM. CODE  
RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 15,000.00

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION: BLOCK

SEWAGE: PUBLIC EXIST

CONSTRUCTION: WOOD FRAME

CENTRAL AIR:

BASEMENT: FULL

WATER: PUBLIC EXIST

FUEL:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PAGE 1 OF 2

PERMIT #: B254973

DIMENSIONS - INSTALL FIXTURES

BUILDING SIZE  
GARBAGE DISP: FLOOR: 1,152SF  
POWDER ROOMS: WIDTH: 24'  
BATHROOMS: DEPTH: 24'  
KITCHENS: HEIGHT: 24' *1 floor*  
STORIES:

LOT SIZE AND SETBACKS

SIZE: 220WIDTH  
FRONT STREET:  
SIDE STREET:  
FRONT SETB: NC  
SIDE SETB: NC/NC  
SIDE STR SETB:  
REAR SETB: 68'

LOT NOS:

CORNER LOT: N

ZONING INFORMATION

DISTRICT: BLOCK:  
PETITION: SECTION:  
DATE: LIBER: 000  
MAP: FOLIO: 000  
CLASS: 04

ASSESSMENTS

LAND: 0055460.00  
IMPROVEMENTS: 0155390.00  
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 11/22/95 INSPECTOR INITIALS: 01R

FEE: \$60.00 PAID: \$60.00 RECEIPT #: A272624

PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT .....  
OWNER .....

SIGNATURE OF APPLICANT

PHONE

PAGE 2 OF 2

APPLICATION FOR BUILDING PERMIT

PERMIT #: B256485      CONTROL #: COC-      DIST: 01      PREC: 10

LOCATION:      303      N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #: 0113200650

OWNERS INFORMATION

NAME: THE DECKER GROUP INC  
ADDR: 815 HILLTOP RD      21228

APPLICANT INFORMATION

NAME:      MATT DECKER  
COMPANY:  
ADDR1:      815 HILLTOP RD  
ADDR2:      CATONSVILLE, MD 21228  
PHONE #: 719-0011      LICENSE #:

NOTES

JP/COP  
WORDING CHANGE, \$35.00, JP, A285950, 15 DEC 95

TRACT:      BLOCK:  
PLANS:      CONST 0      PLOT 0      R PLAT 0      DATA 0      ELEC YES      PLUM YES  
TENANT:  
CONTR:      OWNER  
ENGR:  
SELLR:  
WORK:      INT ALT TO CONVERT SFD TO ASSISTED LIVING  
            QUARTERS. (8) RESIDENTS. SEPARATE PERMIT  
            REQUIRED FOR ANY ADDITIONAL WORK. PLANS  
            WAIVED PER R.S. 12/11/95. WORDING CHANGE  
            12/15/95 FROM 14 TO 8 RESIDENTS.

PROPOSED USE: ASSISTED LIVING QUARTERS + ALT

EXISTING USE: SFD

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 80,000.00

TYPE OF IMPRV: ALTERATION

USE: OTHER - NON-RESIDENTIAL

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION:

FUEL:

CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PAGE 1 OF 2

PERMIT #: B256485

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP: FLOOR: 4,400  
POWDER ROOMS: WIDTH:  
BATHROOMS: DEPTH:  
KITCHENS: HEIGHT:  
STORIES:

LOT SIZE AND SETBACKS

SIZE: 0.7317 AC  
FRONT STREET:  
SIDE STREET:  
FRONT SETB: NC  
SIDE SETB: NC/NC  
SIDE STR SETB:  
REAR SETB: NC

LOT NOS:

CORNER LOT:

ZONING INFORMATION

DISTRICT: BLOCK:  
PETITION: SECTION:  
DATE: LIBER: 000  
MAP: FOLIO: 000  
CLASS: 04

ASSESSMENTS

LAND: 0055460.00  
IMPROVEMENTS: 0155390.00  
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 12/11/95 INSPECTOR INITIALS: 01C

FEE: \$399.00 PAID: \$399.00 RECEIPT #: A285761

PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT .....  
OWNER .....

SIGNATURE OF APPLICANT

PHONE

PAGE 2 OF 2

APPLICATION FOR BUILDING PERMIT

PERMIT #: B267837      CONTROL #: C-      DIST: 01      PREC: 10

LOCATION:      303      N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #: 0113200650

OWNERS INFORMATION

NAME: 303 N. ROLLING RD PART  
ADDR: 303 N. ROLLING RD., 21228

APPLICANT INFORMATION

NAME:      MATT DECKER  
COMPANY:  
ADDR1:      303 N. ROLLING RD.  
ADDR2:      BALTIMORE, MD. 21228  
PHONE #: 719-0011      LICENSE #:

NOTES

JB/VLC

TRACT:      BLOCK:  
PLANS:      CONST 0      PLOT 1      R PLAT 0      DATA 0      ELEC NO      PLUM NO  
TENANT:  
CONTR:      OWNER  
ENGR:  
SELLR:  
WORK:

CONSTRUCT OPEN WOOD DECK W/HANDICAP RAMP ON  
REAR AND SIDE OF EXISTING BUILDING.  
20'X35'=500SF (IRREG) CONSTRUCT 5'X5' ELEVATOR  
SHAFT ADDITION ON SIDE OF BUILDING. SEPARATE  
PERMIT REQ'D FOR ANY ADD'L WORK. PLANS & DATA  
WAIVED PER GM 4/25/96.

PROPOSED USE: ASSISTED LIVING FACILITY & DECK W/RAMP

EXISTING USE: ASSISTED LIVING FACILITY

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 3500.00

TYPE OF IMPRV: ADDITION

USE: HOSPITAL, INSTITUTIONAL, NURSING HOME

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION:

FUEL:

CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PAGE 1 OF 2

PERMIT #: B267837

DIMENSIONS - INSTALL FIXTURES

GARBAGE DISP: FLOOR: 525  
POWDER ROOMS: WIDTH: 16  
BATHROOMS: DEPTH: 35  
KITCHENS: HEIGHT: 2'6"  
STORIES:

LOT SIZE AND SETBACKS  
SIZE: 0220.00 X 0000.00  
FRONT STREET:  
SIDE STREET:  
FRONT SETB: NC  
SIDE SETB: NC/56  
SIDE STR SETB:  
REAR SETB: 80

LOT NOS:  
CORNER LOT: N

ZONING INFORMATION

DISTRICT: BLOCK:  
PETITION: SECTION:  
DATE: LIBER: 000  
MAP: FOLIO: 000  
CLASS: 04

ASSESSMENTS

LAND: 0055460.00  
IMPROVEMENTS: 0155390.00  
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 04/25/96 INSPECTOR INITIALS: 01C  
FEE: \$157.00 PAID: \$157.00 RECEIPT #: A296454  
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

.....  
ADDRESS

AGENT .....  
OWNER .....

.....  
SIGNATURE OF APPLICANT

PHONE

PAGE 2 OF 2

.....  
APPLICATION FOR ELECTRIC PERMIT  
.....

PERMIT #: E255213

DIST: 01      PREC: 00

LOCATION:      303      N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #:

OWNERS INFORMATION

NAME: DECKER GROUP INC  
ADDR: 303 N ROLLING RD

APPLICANT INFORMATION

NAME:      MAY JR, VERNON F.  
COMPANY: STATEWIDE CONST.  
ADDR1:      32 ALCO PLACE  
ADDR2:      BALTO., MD. 21227  
PHONE #: 247-6216      LICENSE #: MG 1623

BUILDING PERMIT #:

OCCUPANT INFORMATION

NAME:  
ADDR:      303 N ROLLING RD  
PHONE #:

NOTES

REINSPECTION FEE 50.00 CS#A316988 11/4/96 GLK

EXISTING METER #:

POLE #:

STRUCTURE USE: RESIDENTIAL  
DATE POWER CO. NOTIFIED:

BUILDING: OLD

WORK DESCRIPTION: NEW

DETAIL OF WORK AND ADDITIONAL INFORMATION

1 - 5 TON A/C UNIT, 1 - 4 TON A/C UNIT, 2 - 3 TON A/C UNITS

FEES: 74.00



## ROUGH WIRING OUTLETS

LIGHT 32                      SWITCH 62                      RECEIPT 96                      LOW VOLTAGE 10  
MISC

## EQUIPMENT

43	FIXTURES		KW SURFACE		HP PUMP		KW DRYER
400	AMP SERV EQUIPMT	12	KW RANGE		KW WTR HTR		KW HEATR
400	AMP SERV CONDUCT		KW OVEN		KW GARBAGE		# BURNRS
			HP AIR COND	1.5	KW DISHWSHR	TO WIRE/CONTRL	

PAGE 1 OF 2

PERMIT #: E255213

## MOTORS (HP)

1/30	1/8	1/2	2	10	30	100
1/20	1/6	3/4	3	15	40	150
1/12	1/4	1	5	20	50	
1/10	1/3	3/2	7.5	25	75	

DATE APPLIED: 11/27/95      INSPECTOR INITIALS: 01B  
FEE: \$74.00      PAID: \$74.00      RECEIPT #: A270513  
PAID BY: STATEWIDE CONST.

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT ---  
OWNER ---

SIGNATURE OF APPLICANT

PHONE

APPLICATION FOR ELECTRIC PERMIT

PERMIT #: E261295

DIST: 01      PREC: 00

LOCATION:      303      N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #:

OWNERS INFORMATION

NAME: DECKER GROUP INC  
ADDR: 303 N ROLLING RD

APPLICANT INFORMATION

NAME:  
COMPANY: CODY ELECTRIC  
ADDR1:      951 YACHTSMAN WAY  
ADDR2:      ANNAPOLIS, MD 21043  
PHONE #: 263-5661      LICENSE #: MG9600

BUILDING PERMIT #:

OCCUPANT INFORMATION

NAME:  
ADDR:  
PHONE #:

NOTES  
GLK

EXISTING METER #:      POLE #:  
STRUCTURE USE: RESIDENTIAL      BUILDING: OLD      WORK DESCRIPTION:  
DATE POWER CO. NOTIFIED:

DETAIL OF WORK AND ADDITIONAL INFORMATION

1-20AMP CIRCUIT FOR HOIST

12 00

ROUGH WIRING OUTLETS

LIGHT SWITCH RECEPT LOW VOLTAGE  
MISC

EQUIPMENT

FIXTURES	KW SURFACE	HP PUMP	KW DRYER
AMP SERV EQUIPMT	KW RANGE	KW WTR HTR	KW HEATR
AMP SERV CONDUCT	KW OVEN	KW GARBAGE	# BURNRS
	HP AIR COND	KW DISHWSHR	TO WIRE/CONTRL

PAGE 1 OF 2

PERMIT #: E261295

MOTORS (HP)

1/30	1/8	1/2	2	10	30	100
1/20	1/6	3/4	3	15	40	150
1/12	1/4	1	5	20	50	
1/10	1/3	3/2	7.5	25	75	

DATE APPLIED: 02/23/96 INSPECTOR INITIALS: 01B  
FEE: \$17.00 PAID: \$17.00 RECEIPT #: A289330  
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT \_\_\_\_\_  
OWNER \_\_\_\_\_

SIGNATURE OF APPLICANT

PHONE

APPLICATION FOR ELECTRIC PERMIT  
.....

PERMIT #: E262442

DIST: 01      PREC: 00

LOCATION:      303              N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #:

OWNERS INFORMATION

NAME: THE DECKER GROUP INC  
ADDR: 815 HILLTOP RD      21228

APPLICANT INFORMATION

NAME:      MARK REEDY  
COMPANY: RHS SYSTEMS PLUS  
ADDR1:      JCK CENTER 6-131  
ADDR2:      WESTMINSTER MD 21157  
PHONE #: 549-0064      LICENSE #: RF9143

BUILDING PERMIT #:

OCCUPANT INFORMATION

NAME:      SAME  
ADDR:  
PHONE #:

NOTES

EXISTING METER #:                      POLE #:  
STRUCTURE USE: RESIDENTIAL      BUILDING: OLD      WORK DESCRIPTION: NEW  
DATE POWER CO. NOTIFIED:

DETAIL OF WORK AND ADDITIONAL INFORMATION

FIRE ALARM AND DOOR MONITORING SYSTEM  
20 DEVICES

FEE: 20.00

ROUGH WIRING OUTLETS

LIGHT SWITCH RECEPT LOW VOLTAGE  
MISC

EQUIPMENT

FIXTURES	KW SURFACE	HP PUMP	KW DRYER
AMP SERV EQUIPMT	KW RANGE	KW WTR HTR	KW HEATR
AMP SERV CONDUCT	KW OVEN	KW GARBAGE	# BURNRS
	HP AIR COND	KW DISHWSHR	TO WIRE/CONTRL

PAGE 1 OF 2

PERMIT #: E262442

MOTORS (HP)

1/30	1/8	1/2	2	10	30	100
1/20	1/6	3/4	3	15	40	150
1/12	1/4	1	5	20	50	
1/10	1/3	3/2	7.5	25	75	

DATE APPLIED: 03/06/96 INSPECTOR INITIALS: 01B  
FEE: \$20.00 PAID: \$20.00 RECEIPT #: A291751  
PAID BY: APPLICANT

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT \_\_\_\_\_  
OWNER \_\_\_\_\_

SIGNATURE OF APPLICANT

PHONE

APPLICATION FOR ELECTRIC PERMIT

PERMIT #: E288824

DIST: 01    PREC: 00

LOCATION:        303            N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #:

OWNERS INFORMATION

NAME: DECKER GROUP INC  
ADDR: 303 N ROLLING RD

APPLICANT INFORMATION

NAME:  
COMPANY: STATEWIDE CONST  
ADDR1:    32 ALSO PL  
ADDR2:  
PHONE #: 410-247-6216    LICENSE #: MG1623

BUILDING PERMIT #:

OCCUPANT INFORMATION

NAME:        PARKSIDE ASSISTED LIVING  
ADDR:  
PHONE #:

NOTES

TLM

EXISTING METER #:                            POLE #:  
STRUCTURE USE: COMMERCIAL    BUILDING: OLD    WORK DESCRIPTION:  
DATE POWER CO. NOTIFIED:

DETAIL OF WORK AND ADDITIONAL INFORMATION

FEE: 100.00

ROUGH WIRING OUTLETS

LIGHT 43                      SWITCH 31                      RECEIPT 56                      LOW VOLTAGE 12  
MISC

EQUIPMENT

FIXTURES	KW SURFACE	HP PUMP	KW DRYER
AMP SERV EQUIPMT	KW RANGE	KW WTR HTR	KW HEATR
AMP SERV CONDUCT	KW OVEN	KW GARBAGE	# BURNRS
	HP AIR COND	KW DISHWSHR	TO WIRE/CONTRL

PAGE 1 OF 2

PERMIT #: E288824

MOTORS (HP)

1/30	1/8	1/2	2	10	30	100
1/20	1/6	3/4	3	15	40	150
1/12	1/4	1	5	20	50	
1/10	1/3	3/2	7.5	25	75	

DATE APPLIED: 11/12/96      INSPECTOR INITIALS: 01B  
FEE: \$100.00      PAID: \$100.00      RECEIPT #: A317390  
PAID BY: APPLICANT

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT \_\_\_\_  
OWNER \_\_\_\_

SIGNATURE OF APPLICANT

PHONE

APPLICATION FOR BUILDING PERMIT

PERMIT #: B263918 CONTROL #: COC- DIST: 01 PREC: 10

LOCATION: 303 N ROLLING RD  
SUBDIVISION: 1400 FT N EDMONDSON AV  
TAX ASSESSMENT #: 0113200650

OWNERS INFORMATION

NAME: DECKER, MATTHEW  
ADDR: 815 HILLTOP RD. 21228

APPLICANT INFORMATION

NAME: MATT DECKER  
COMPANY: DECKER GROUP INC  
ADDR1: 815 HILLTOP RD  
ADDR2: BALTO MD 21228  
PHONE #: 788-9192 LICENSE #:

NOTES

JP

TRACT: BLOCK:  
PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC YES PLUM NO  
TENANT:  
CONTR: OWNER  
ENGR:  
SELLR:  
WORK: CANCELS/REPL.-B2549773&B256485-CHANGE CONST.&  
WORDING.EXP.:2/13/97.REM.EX.DECK+CONST.3STY.W/  
BSMT ADDIT. ONTO REAR OF SFD, ALL FLRS. TO BE BED  
RMS. BSMT-2ND FLR-576SF EA. 3RD FLR-380SF. TOTAL  
AREA=2,108SF. ALT TO CREATE ENT. FOR BEDRM. C.D.C.  
FROM "SFD" TO "ASST. LIV. QUARTERS". (8) RESIDENTS.

PROPOSED USE: ASST. LIV. QUARTERS & COC/ADDIT/ALT



EXISTING USE: SFD

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY: GROUP

OWNERSHIP: PRIVATELY OWNED

ESTIMATED COST OF MATERIAL AND LABOR: 95,000.00

TYPE OF IMPRV: ADDITION

USE: HOSPITAL, INSTITUTIONAL, NURSING HOME

FOUNDATION: BLOCK

BASEMENT: FULL

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

CONSTRUCTION:

FUEL:

CENTRAL AIR:

SINGLE FAMILY UNITS

TOTAL 1 FAMILY BEDROOMS

MULTI FAMILY UNITS

EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:

NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:

TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PAGE 1 OF 2

PERMIT #: B263918

*Not issue as of the date 2/14/97*

DIMENSIONS - INSTALL FIXTURES

	BUILDING SIZE
GARBAGE DISP:	FLOOR: 2108
POWDER ROOMS:	WIDTH: 24'
BATHROOMS:	DEPTH: 24'
KITCHENS:	HEIGHT: 24'
	STORIES: 3+BSMT

LOT SIZE AND SETBACKS

SIZE: .7317 AC.  
FRONT STREET:  
SIDE STREET:  
FRONT SETB: NC  
SIDE SETB: NC/NC  
SIDE STR SETB:  
REAR SETB: 68'

LOT NOS:

CORNER LOT: N

ZONING INFORMATION

DISTRICT:	BLOCK:
PETITION:	SECTION:
DATE:	LIBER: 000
MAP:	FOLIO: 000
	CLASS: 04

ASSESSMENTS

LAND: 0055460.00  
IMPROVEMENTS: 0155390.00  
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 03/21/96 INSPECTOR INITIALS: 01C

FEE: \$172.00 PAID: \$172.00 RECEIPT #: A292773

PAID BY: APP

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

"PAKSIDE ALF"

96-507 XA

PREEXISTING 1ST FLOOR FOOTPRINT : 3-26-93 CONCEPT PLAN  
MAIN STRUCTURE 1369 F<sup>2</sup>  
PRE 1990 PORCH ENCLOSURE 360 F<sup>2</sup>  
TOTAL 1729 F<sup>2</sup>

PREEXISTING 1ST FLOOR FOOTPRINT : 6-17-94 DEVELOPMENT PLAN  
MAIN STRUCTURE 1369 F<sup>2</sup>  
PRE 1990 PORCH ENCLOSURE 410 F<sup>2</sup>  
TOTAL 1779 F<sup>2</sup>

ADDITION AREA:

GROUND FLOOR AS PER PERMIT:  
26' X 26' =

676 F<sup>2</sup>

TOTAL AREA AS BUILT:

26' X 26' X 2 1/2 FLOORS

1690 F<sup>2</sup>

26' X 26' BASEMENT

676 F<sup>2</sup>

TOTAL ADDITION

2366 F<sup>2</sup>

PREEXISTING FOOTPRINT

1779 F<sup>2</sup>

" UNFINISHED BASEMENT

1369 F<sup>2</sup>

" 2ND + 3RD FLOOR

2053 F<sup>2</sup>

" TOTAL AREA

5201 F<sup>2</sup>

TOTAL ADDITION AREA (2366 F<sup>2</sup>) AS % OF  
PREEXISTING 1ST FLOOR FOOTPRINT (1779 F<sup>2</sup>)

133 %

TOTAL ADDITION AREA (2366 F<sup>2</sup>) AS % OF  
PREEXISTING TOTAL AREA (5201 F<sup>2</sup>)

45.5 %

FILED

People's Council #5

# SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION GRIMES PROPERTY SCALE 1" = 30'

LOT #1 43695 F<sup>2</sup> LOT SIZE  
1.0031 ACRES

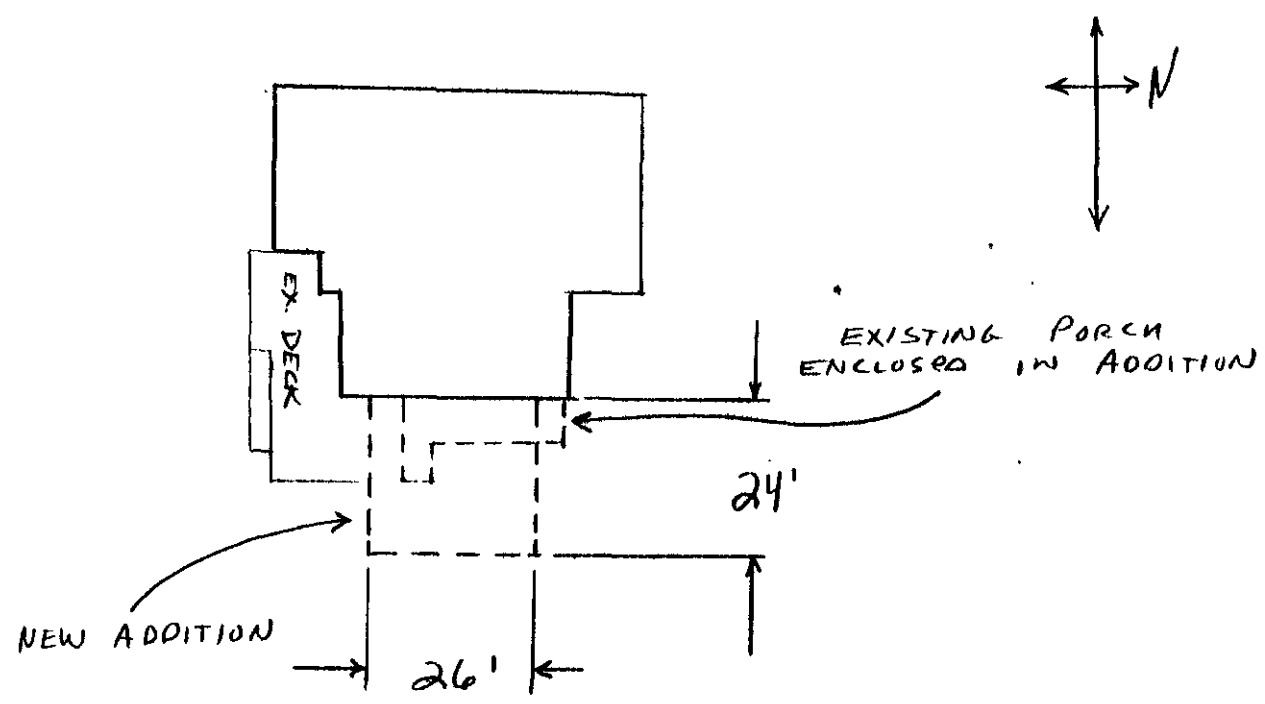
DATE MAY 23-1996  
Revised JUNE 10-1996  
Revised JUNE 14-1996  
Revised JUNE 18-1996

## 1ST FLOOR FOOTPRINT:

MAIN STRUCTURE	1369 F <sup>2</sup>
1ST ENCLOSURE OF EXISTING PORCH (NOT SHOWN)	410 F <sup>2</sup>
	<hr/> 1779 F <sup>2</sup>

EXISTING SQ. FOOTAGE	
1ST FLOOR	1779 F <sup>2</sup>
2ND FLOOR	1369 F <sup>2</sup>
3RD FLOOR	684 F <sup>2</sup>
TOTAL	<hr/> 3832 F <sup>2</sup>

ADDITION SQ. FOOTAGE	
24'x26' AS SHOWN	624 F <sup>2</sup> 1 Floor
26'x26' AS PERMIT	676 F <sup>2</sup> 1 Floor
2 1/2 FLOORS ACTUAL AS SHOWN	1560 F <sup>2</sup>
ACTUAL AS PERMIT	1690 F <sup>2</sup>



# DEVELOPMENT PLAN - A RESUBDIVISION OF THE GRIMES PROPERTY

SCALE 1" = 30'

DATE 6-17-94

LOT #1 28533 F<sup>2</sup> LOT SIZE .655 ACRES

## 1ST FLOOR FOOTPRINT :

MAIN STRUCTURE

1369 F<sup>2</sup>

1ST ENCLOSURE OF EXISTING PORCH

410 F<sup>2</sup>

NORTH + WEST SIDE

1779 F<sup>2</sup>

## EXISTING SQ. FOOTAGE

1ST FLOOR

1779 F<sup>2</sup>

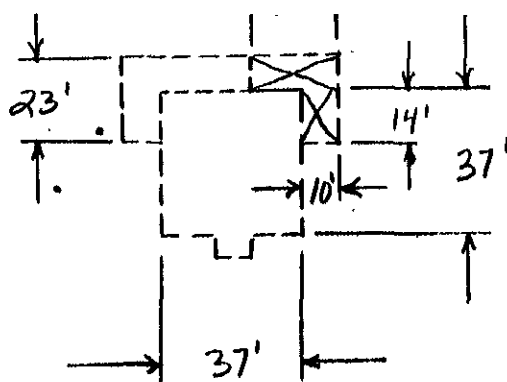
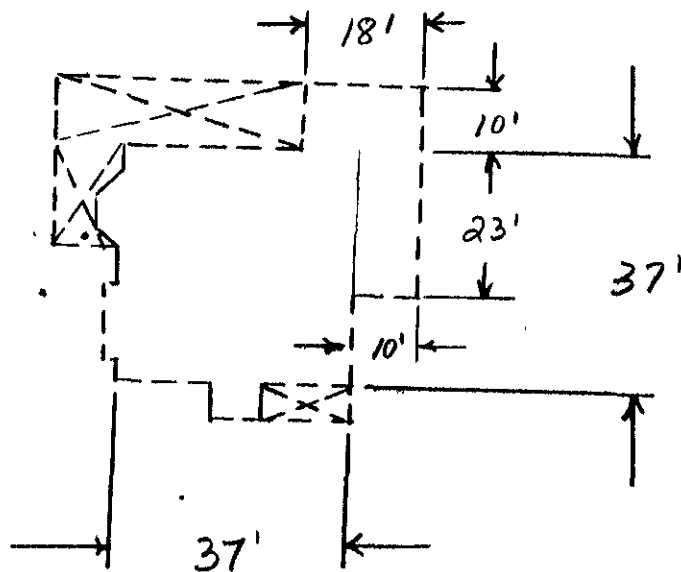
2ND FLOOR

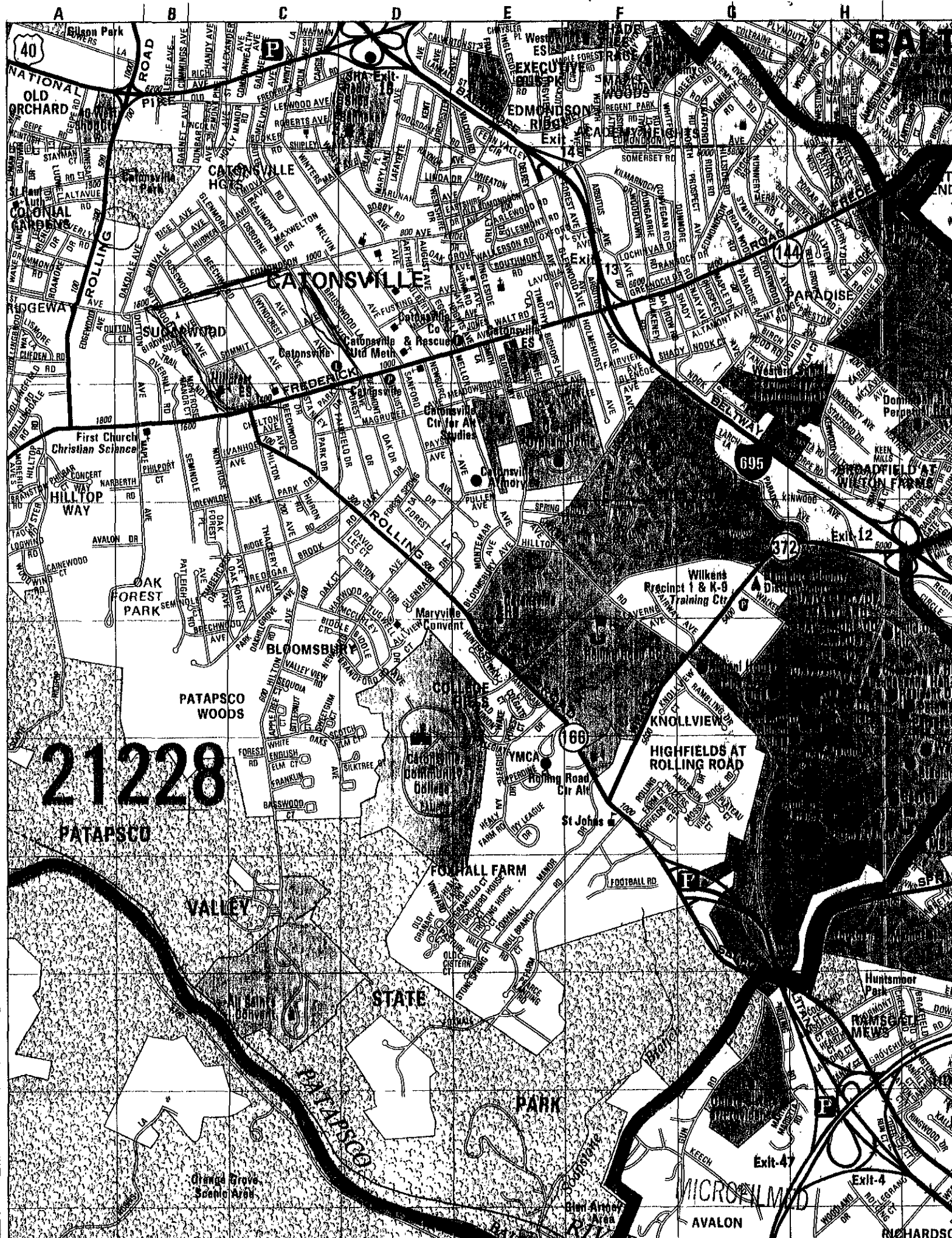
1369 F<sup>2</sup>

3RD FLOOR

684 F<sup>2</sup>

TOTAL

3832 F<sup>2</sup>



P.C. #7



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 10, 1996

Michael U. Gisriel, Esquire  
Gisriel and Brush, P.A.  
210 East Lexington Street  
Suite 400  
Baltimore, MD 21202-3514

RE: 303 North Rolling Road  
Rescision of Use Permit  
Approval for a Class "A"  
Assisted Living Facility (ALF)  
1st Election District

Dear Mr. Gisriel:

This letter serves to notify you that (as stated in my last letter of May 31, 1996), due to the large building expansion in violation of the definition of a Class "A" Assisted Living Facility, a special exception for a Class "B" Assisted Living Facility is required.

The fact that two zoning hearing filing appointments made by Mr. Ainsworth on June 6 and June 7, 1996 were not kept and no attempt was made to contact me concerning an inability to keep said appointments, I have no choice but to rescind the current Class "A" Assisted Living Facility use permit.

No further approval actions on this site will be taken by this office until the zoning special exception is granted and appropriate Development Review Committee (DRC) actions are taken concerning development plan revisions.

If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Lewis".  
John L. Lewis  
Planner II  
Zoning Review

JLL:scj

c: Michael Cook, Department of Aging  
Decker Group  
John Altmeyer, PDM

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

*PEUPLES #8*

May 31, 1996

Michael U. Gisriel, Esquire  
Gisriel and Brush, P.A.  
210 East Lexington Street  
Suite 400  
Baltimore, MD 21202-3514

RE: Class "A" ALF  
303 North Rolling Road  
1st Election District

Dear Mr. Gisriel:

This letter serves as a follow-up to our letter dated May 7, 1996 (copy attached) concerning the above referenced site.

The May 7, 1996 letter requested that you file for the required zoning action by May 17, 1996 and apparently you have been unable to comply. Without a show of good faith being demonstrated, this office will be unable to extend the time frame for the special exception filing for this use beyond 15 days of the date of the current letter (May 31, 1996). Once this time has expired, without appropriate action on your part, the use permit for a Class "A" ALF (approved prior to the new construction) will be rescinded.

I hope that you are able to take prompt action in this matter to successfully resolve this issue. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Lewis".  
John L. Lewis  
Planner II  
Zoning Review

JLL:scj

Enclosure

c: The Decker Group, Inc., 815 Hilltop Road, Baltimore, MD 21228  
Mr. Michael Cook, Baltimore County Department of Aging  
Mr. John Altmeyer, Code Enforcement, Permits & Development Management

MICROFILMED





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 7, 1996

Michael U. Gisriel, Esquire  
Gisriel & Brush, P.A.  
210 E. Lexington Street  
Suite 400  
Baltimore, MD 21202-3514

RE: Zoning Verification  
303 N. Rolling Road  
Class "A" ALF Approval  
1st Election District

Dear Mr. Gisriel:

Your letter of May 2, 1996 to Mr. Jablon concerning final use permit approval for the above use and address has been referred to me for a reply.

Regretfully, due to your clients' circumstances, this office will only be able to further consider this site for a Class "A" ALF approval after the following: (1) filing of the special exception for the Class "B" ALF, and (2) appropriate development status determination actions taken before the Development Review Committee.

Pursuant to Section 26-180 of the County Code, this office is unable to approve permits due to the fact that the building expansion (without requisite building permits) is well in excess of the 24.99% allowed for a Class "A" ALF. Due to this difficulty the staff asks that you file for the special exception within 10 working days of the date of this letter.

I hope this clarifies the position of this office. The staff strongly suggests that the filing for the zoning special exception and DRC action requests take place as soon as possible so that this situation may be resolved in a timely manner.

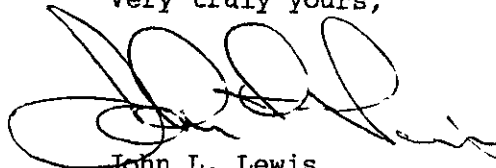




Michael U. Gisriel, Esquire  
May 7, 1996  
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis", written over the typed name.

John L. Lewis  
Planner II  
Zoning Review

JLL:rye

c: Mike Cook, Dept. of Aging  
John Altmeyer



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

*PEOPLE'S #9*

June 10, 1996

Mr. Frederick B. Cascio  
217 North Rolling Road  
Catonsville, MD 21228

RE: 303 North Rolling Road  
Class "A" ALF  
3rd Election District

Dear Mr. Cascio:

The Class "A" Assisted Living Facility (ALF) use permit for 8 residents has been rescinded by this office. The special exception zoning public hearing must be granted and all appropriate Development Review Committee (DRC) revised development plan requirements must be met before any further ALF approvals are given by this office.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis", is written over a horizontal line.

John L. Lewis  
Planner II  
Zoning Review

JLL:scj

MICROFILMED

(People's Counsel) 2-9-97  
#17

# HISTORY OF 303 N. Rolling Rd.

APRIL 30 1993	CONCEPT PLAN REVIEW
JULY 19 1993	COMMUNITY INPUT MEETING
JULY 6 1994	DEVELOPMENT PLAN CONFERENCE
JULY 26 1994	HEARING OFFICERS HEARING
AUG. 16 1994	H.O.H. CONTINUED
NOV 7 1994	REVISED "DEVELOPMENT PLAN" SUBMITTED FOR STORM WATER + UTILITIES IN 20' RESERVE INSTEAD OF "OPEN SPACE"
JAN 18 1995	"RED LINE" PLAN SENT TO ME FROM GISRIEL + BRUSH. SHOWS 6 SINGLE FAM. DWELLINGS (2 EXISTING)
JAN 31 1995	ADVERTISEMENT IN "CATONS. TIMES" "PARKSIDE ALF" - 15 RESIDENCES
FEB 8 1995	LETTER + "RED LINE" PLAN SUBMITTED TO MR. KOTTRUCCO ON REVISED UTILITY + DRAINAGE PLACEMENT INTO 20' RESERVE - <u>STILL 6 S.F.D.U.</u>
APRIL 4 1995	H.O.H. CONTINUED + CONCLUDED
APRIL 6 1995	H.O. APPROVAL WITH CONDITIONS ON 6 S.F.D.U.
JUNE 10 1996	REVISION OF APPROVAL FOR CLASS A ALF FOR 8 RESIDENCES
JULY 1 - 1996	REQUEST FOR ZONING CHANGE FROM CLASS A TO CLASS B ALF + FOR ADDITION
JULY 18 1996	HEARING OFFICERS HEARING ON ALF
JULY 31 1996	H.O.H. APPROVAL OF VARIANCES + SPECIAL EXCEPTION

MICROFILMED



102 Smithwood Avenue • Catonsville, MD 21228 • (410) 788-0656 Fax (410) 455-0852

*Prot Sh #1  
Rule 8*

## Old Catonsville Neighborhood Association

RESOLVED: That the position of the Old Catonsville Neighborhood Association as adopted by the Board of Directors and Zoning Committee on the zoning matter known as:

**PARKSIDE ASSISTED LIVING**  
303 N. Rolling Road, Catonsville 21228

is that:

1. Owners/Developers did **not** obtain necessary building permits prior to beginning work on the building.
2. Owners/Developers did **not** hold the required public hearing before admitting patients/residents.
3. Owners are currently admitting more patients/residents than permits allows.

**AS WITNESS OUR HAND AND SEAL THIS** 1st day of November, 1996

ATTEST:

Old Catonsville Neighborhood Association

*Maureen Sweeney Smith*  
Secretary, Maureen Sweeney Smith

*Charlie Camp*  
President, Charlie Camp

MICROFILMED



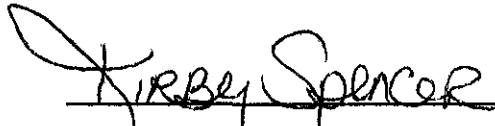
102 Smithwood Avenue • Catonsville, MD 21228 • (410) 788-0656 Fax (410) 455-0852

## **AFFIDAVIT**

**STATE OF MARYLAND  
BALTIMORE COUNTY, SS:**

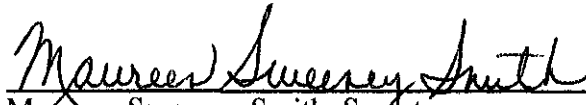
**TO WIT:**


I hearby swear upon penalty of perjury that I am currently a duly elected member of the Zoning (ALF) Committee of the Old Catonsville Neighborhood Association.

  
\_\_\_\_\_  
Kirby Spencer, Zoning (ALF) Committee

**ATTEST:**

Old Catonsville Neighborhood Association

  
\_\_\_\_\_  
Maureen Sweeney Smith, Secretary

  
\_\_\_\_\_  
Charlie Camp, President

DATE: 11/2/96



102 Smithwood Avenue • Catonsville, MD 21228 • (410) 788-0656 Fax (410) 455-0852

## Old Catonsville Neighborhood Association

**RESOLVED:** That at the Quarterly Board of Directors meeting of the Old Catonsville Neighborhood Association held on October 23, 1996, it was decided by the Association that responsibility for review and action of all zoning matters for the period October, 1996 to September, 1997 be placed in the Zoning (ALF) Committee) consisting of the following members:

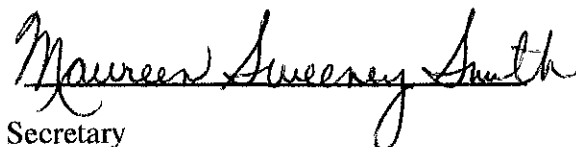
Ms. Kirby Spencer  
Ms. Cathy Sidlowski

Ms. Chris Brennan  
Mr. Charlie Camp

AS WITNESS OUR HANDS AND SEAL THIS 1st day of November, 1996.

ATTEST:

Old Catonsville Neighborhood Association

  
Secretary

  
President

NORTH ROLLING ROAD COMMUNITY ASSOCIATION, INC.  
July 18, 1996

To: Lawrence Schmidt, Zoning Hearing Officer  
Re: Issue 96-507-XA

Sir:

Our Association does not oppose the "B" level Assisted Living Facility proposed at 303 N. Rolling Rd. This is chiefly because the facility as built preserves the original (formerly) residential structure -- has indeed, improved its appearance substantially -- and thus maintains the residential character of the neighborhood. (Our Association vigorously opposed a proposed ALF in 1989 when those plans called for the demolition of two fine old houses at 101 and 103 N. Rolling Rd.)

Accordingly, we do not take issue with the specific variance requests for which approval is sought today. Indeed, most of them are at issue precisely because the building to be used as an ALF is the original building on the site, and happens -- because of its age, size and location -- not to conform with more modern set-back and height standards.

Our concern is rather with how the central issue -- an upgrade from an "A" facility housing 7 occupants to a "B" facility housing 15 -- came before the Commission today. It is my understanding that while plans were originally filed and approved for the smaller facility, the developer sought and building permits may have been issued for a build-out substantially greater in size and scope than provided for in the approved plans. The developer thus presents the Commission with the fait accompli of an unapproved larger facility and asks for post-fact approval of what has been done. Our Association assumes that denial is unlikely, given the value of the project and the apparent quality of its execution.

Nevertheless, we are concerned that the approval process is so flawed as to allow, if not encourage developers to set self-interest ahead of compliance with statutes set in place to secure the public good. While the ALF in question is clearly not inimical to the public good, the character of the neighborhood, or any other reasonable standard of measurement, another project similarly mishandled could be. Were this project an assault on the character of the neighborhood, a threat to the safety of its residents, or a degradation to the property values of homeowners, who would answer the complaints of aggrieved property-owners? A thorough review of this project should be conducted to learn how it managed to reach completion without approval. Penalties and/or sanctions should be levied against the developer if he is found to have acted irresponsibly. Disciplinary measures should be taken against county employees found to have inadequately dispatched their responsibilities. Finally, we urge the Commissioner and/or the Legislature to codify in statute such review and sanctions that can be applied when the public good is compromised as a result of developers' failure to strictly adhere to the approval process.

~~PROTESTANT~~  
Protestants  
**EXHIBIT**

MICROFILMED

*Mark Schmidt President*

A. T. R. MANAGEMENT CO.

American Touresorts, Inc.

802 Ingleside Avenue

Baltimore, Maryland 21228

(410) 788-9670

FAX (410) 788-4467

March 28, 1996

Mr. John Lewis, Planner II  
Permits and Development Management  
Department of Planning and Zoning  
Baltimore County, Maryland 21204

RE: 303 N. Rolling Road  
Catonsville, Maryland 21228

Dear Mr. Lewis:


As owner and neighbor directly to the south of the above mentioned house at 303 N. Rolling Road, I would like to confirm that I have no objections to the use of 303 N. Rolling Road as an assisted living facility nor do I have a problem with the addition to the rear of the house.

If you have any other questions with which I can be of assistance, please do not hesitate to call me at my office at (410) 788-7900.

Sincerely yours,

AMERICAN TOURESORTS, INC.

By:

  
Thomas B. McGee, President

TBM:ghc

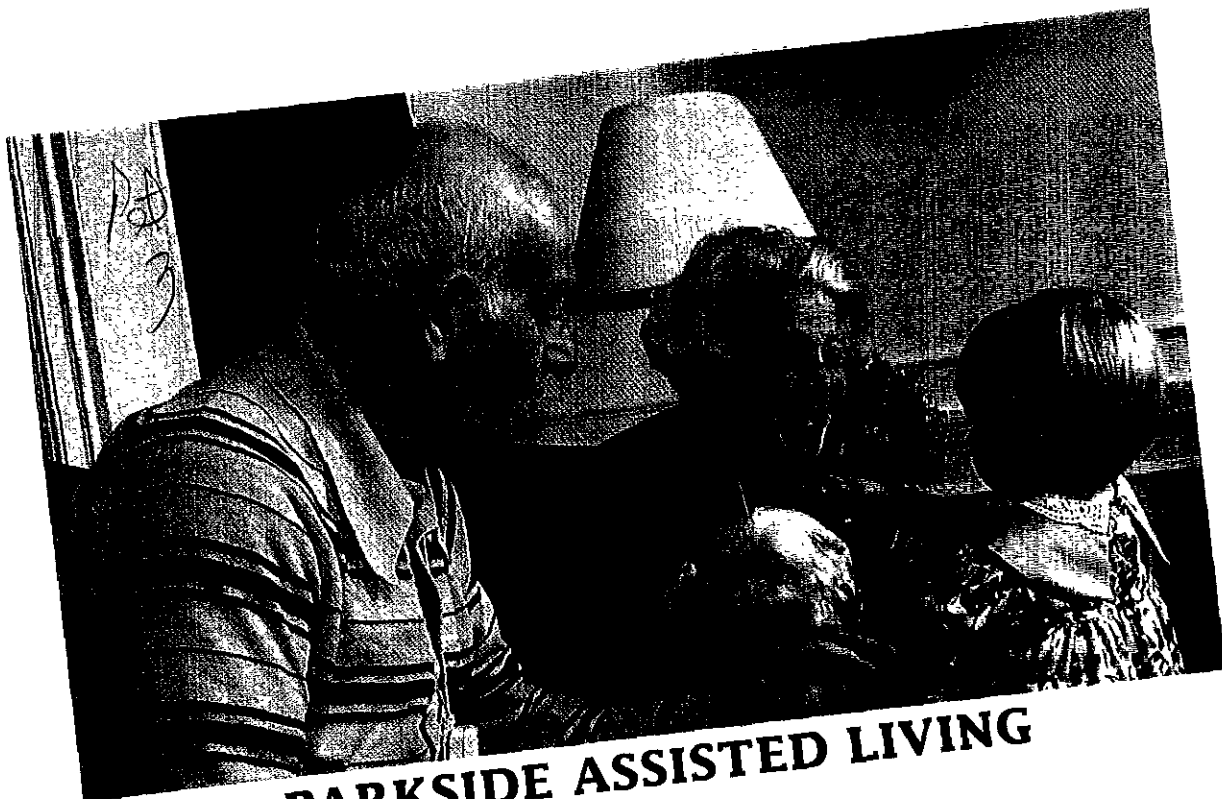
(301 N. Rolling Rd)

5 cpts

PETITIONER'S  
EXHIBIT 3

MIC





**PARKSIDE ASSISTED LIVING**

# Parkside

## Assisted Living, Inc.

303 N. Rolling Road  
Catonsville, MD 21228



Your Choice

At Parkside, our commitment to providing the absolute best in assisted living environments is unwavering.

We provide professional care, including medical monitoring, research and development, and a variety of other services to ensure the highest quality of care.

Our residents are not just numbers; they are individuals with unique needs and desires. We provide personalized care and support to help them thrive in their new environment.

At Parkside, we understand that each resident has their own story. We provide a safe and secure environment where they can live their lives to the fullest.

Our commitment to excellence is reflected in every aspect of our operations. We provide a warm and welcoming atmosphere where residents can feel at home.

At Parkside, we are dedicated to providing the best possible care for our residents. We are proud to be a part of their lives and to help them achieve their goals.

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# USE PERMIT



Management of Baltimore County, this 15<sup>TH</sup> day of DECEMBER, 1995.

that 303 NORTH ROLLING RD. should be and the same is  
(exact address)

hereby granted permission to operate a CLASS "A" ASSISTED LIVING

FACILITY FOR A MAXIMUM OF 8 ASSISTED LIVING-

FACILITY RESIDENTS.

Permit Number

Director, Zoning Administration & Development Management

RECEIVED

*RAJ*  
#7



# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

*John R. King*  
BUILDINGS ENGINEER

PERMISSION IS HEREBY GRANTED TO:

PERMIT NO. 123456789

NAM: THE DECKER GROUP, INC.  
ADDRESS: 845 MILLTOP RD 21226

TO USE AND OCCUPY THE LAND AND/OR BUILDINGS DESCRIBED AND LOCATED  
AS FOLLOWS IN PERMIT NO. 123456789

LOCATION OF PROPERTY 303 H BULLING RD  
DIST 01 LOT NO: 18000000  
SUBDIVISION 1000 FT HEDMONGTON AV

DATE 02/17/97

10 d

ISSUED BY THE BUILDINGS ENGINEER

MICROFILMED



## RESIDENT INQUIRIES/WAITING LIST

- 1). Diana Goldberg 247-4947
- 2). Kim Johnson 465-5069
- 3). Helen Kowalski 719-8682
- 4). Margaret Tyler 744-2888
- 5). Ruth Perone  
4 Poolside Ct. Apt. 1A  
Catonsville, Md. 21228
- 6). Greg Mitchell  
313 Stonewall Road  
Catonsville, Md. 21228
- 7). Sarah Braun  
1111 Dorchester Avenue  
Baltimore, Md. 21207
- 8). Kim Scars  
1000 Arion Park Rd. #73  
Baltimore, Md. 21229

MICROFILMED

9). Michelle Goodman  
8113 Crest Road  
Laurel, Maryland 20723

10). Bruce Coale  
5938 Sunset Avenue  
Catonsville, Md. 21228

11). Ann Burkheart  
3807 Lindsay Road  
Baltimore, Maryland

12). Tom Richter  
356-8711 (W)  
744-8765 (H)

13). Jacqueline Arnold  
2929 Excelsior Springs Ct.  
Ellicott City, Maryland 21042

14). Jean Williams  
461-3224

**A. T. R. MANAGEMENT CO.**

**American Touresorts, Inc.**

**802 Ingleside Avenue**

**Baltimore, Maryland 21228**

**(410) 788-9670**

**FAX (410) 788-4467**

March 28, 1996

Mr. John Lewis, Planner II  
Permits and Development Management  
Department of Planning and Zoning  
Baltimore County, Maryland 21204

RE: 303 N. Rolling Road  
Catonsville, Maryland 21228

Dear Mr. Lewis:


As owner and neighbor directly to the south of the above mentioned house at 303 N. Rolling Road, I would like to confirm that I have no objections to the use of 303 N. Rolling Road as an assisted living facility nor do I have a problem with the addition to the rear of the house.

If you have any other questions with which I can be of assistance, please do not hesitate to call me at my office at (410) 788-7900.

Sincerely yours,

AMERICAN TOURESORTS, INC.

By:

  
Thomas B. McGee, President

TBM:ghc

(301 N. Dolly Rd)  
5 Cpts

MICROFILMED



Dear Parkside Assisted Living Administrators:

I/We Mark Ricker currently reside  
at 13 N. Rolling Rd, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Mark Ricker

just microfilm  
first page

support  
letters

MICROFILMED

Dear Parkside Assisted Living Administrators:

I/We Cherise Le currently reside  
at 400 N. Rolling, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: 

Dear Parkside Assisted Living Administrators:

I/We Audrey M. HANNA currently reside  
at 404 N. Rolling, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Audrey M. Hanna

Dear Parkside Assisted Living Administrators:

I/We Barbara Harris currently reside  
at 1322 Brook Rd, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Barbara L. Harris

Dear Parkside Assisted Living Administrators:

I/We Donna VanWie currently reside  
at 300 N Rolling Rd, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Donna VanWie

Dear Parkside Assisted Living Administrators:

I/We George & Nancy Thompson currently reside  
at 148 Sanford Ave, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Nancy & George Thompson

Dear Parkside Assisted Living Administrators:

I/We Hilda + Paul York currently reside  
at 505 Newburg Ave., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Hilda M. York

Dear Parkside Assisted Living Administrators:

I/We Seymour and Elise Linder currently reside  
at 1902 Tadcaster Rd., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Elise Linder  
+  
Seymour Linder



Dear Parkside Assisted Living Administrators:

I/We Mr + Mrs. Jos. Wells currently reside  
at 2 - Poolside Ct. Balt 21228, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Joseph Wells

Dear Parkside Assisted Living Administrators:

I/We Katherine I. Offee currently reside  
at 317 Greenlow Road, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definate  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Katherine I. Offee

Dear Parkside Assisted Living Administrators:

I/We Helen Potthast currently reside  
at 409 G Wheaton Place, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Helen Potthast

Dear Parkside Assisted Living Administrators:

I/We Alva Slicher currently reside  
at 639 North Bend Rd, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Alva Slicher

Dear Parkside Assisted Living Administrators:

I/We Kathy Neil currently reside  
at 236 Glenmore Ave., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Kathy Neil

Dear Parkside Assisted Living Administrators:

I/We Cheryl M. Pumphrey  
Michael T. Pumphrey currently reside  
at 260 Blakeney Rd., Catonsville, Md.

21228, feel that Parkside Assisted Living is a definite benefit to our community. I/We believe assisted living is beneficial to our senior citizens and will provide them with the opportunity to enhance their quality of life.

I/We are in support of Parkside Assisted Living and the positive contributions it will bring to our seniors as well as our community.

Signed:

Michael T. Pumphrey  
Cheryl M. Pumphrey

Dear Parkside Assisted Living Administrators:

I/We Lucille L. Lee currently reside  
at 32 Samus Rd, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Lucille L. Lee

Dear Parkside Assisted Living Administrators:

① We RICHARD A WALSH currently reside  
at 6034 BURN OAK RD, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. ① We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

① We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Richard A. Walsh



Dear Parkside Assisted Living Administrators:

I/We Harriet Tarr currently reside  
at 1714 Newcastle Rd., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Harriet Tarr

Dear Parkside Assisted Living Administrators:

I/We Shoree R. Clark currently reside  
at 1212 Westlake Pl., Catonsville, Md. 21228  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Shoree R. Clark

Dear Parkside Assisted Living Administrators:

I/~~we~~ CAROL HANDY currently reside  
at \_\_\_\_\_, <sup>GGLA</sup> ~~Gatonsville~~, Md.

21228, feel that Parkside Assisted Living is a definite benefit to our community. I/We believe assisted living is beneficial to our senior citizens and will provide them with the opportunity to enhance their quality of life.

I/We are in support of Parkside Assisted Living and the positive contributions it will bring to our seniors as well as our community.

Signed:

Carol Handy

Dear Parkside Assisted Living Administrators:

I/~~we~~ Eleanor M. Handrahan currently reside  
at 131 Oakdale Ave., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Eleanor M. Handrahan

Dear Parkside Assisted Living Administrators:

I ~~we~~ <sup>AM</sup> JOHAN Klep-EGGE currently reside  
at 205 N. ROLLING ROAD, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I ~~we~~ believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I ~~we~~ <sup>AM</sup> are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Johan A. Klep- Egge  
744-9085  
747-4933

Dear Parkside Assisted Living Administrators:

I/We Henry Enos currently reside  
at 303 Glenmore Ave., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Henry Enos

Dear Parkside Assisted Living Administrators:

I/We Joseph & Frances Janocha currently reside  
at 2003 Westchester Ave, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Theresa Kohler

Dear Parkside Assisted Living Administrators:

I/We GAIL G. COOPER currently reside  
at 700 HUNTER WAY, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:


Gail G. Cooper



Dear Parkside Assisted Living Administrators:

I/We Douglas & Cathy Frantz currently reside  
at 1913 Lisimore Lane, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definate  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Cathy Frantz  


Dear Parkside Assisted Living Administrators:

I/We Sally Hiler currently reside  
at 221 Glenview Dr. Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Sally Hiler

Dear Parkside Assisted Living Administrators:

I/We MARY P. EUSINI currently reside  
at 9 SIX NOTCHES CT., Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Mary P. Eusini

Dear Parkside Assisted Living Administrators:

I/We Robert Deseeth currently reside  
at 1912 Sumner Dr, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed:

Robert Deseeth

Dear Parkside Assisted Living Administrators:

I/We Nellie Darveth currently reside  
at 1912 Lismore Lane, Catonsville, Md.  
21228, feel that Parkside Assisted Living is a definite  
benefit to our community. I/We believe assisted living  
is beneficial to our senior citizens and will provide  
them with the opportunity to enhance their quality  
of life.

I/We are in support of Parkside Assisted Living and  
the positive contributions it will bring to our seniors  
as well as our community.

Signed: Nellie Darveth

106 North Rolling Road  
Catonsville, MD 21228

June 23, 1996

Parkside Assisted Living, Inc.  
303 N. Rollong Road  
Catonsville, MD 21228

To Whom it May Concern:

As a resident of North Rolling Road, I would like to welcome you to this community. I think you have done a great deal to beautify and improve the property around 303 North Rolling Road and that assisted living for elderly people is a good use for large, older homes.

I am fifteen years old and will be turning sixteen in September. I will be entering my junior year of high school at Chapelgate Christian Academy this fall, where I have been maintaining a 4.0 grade point average for the last three years. I would be interested in part-time employment, should there be a suitable position.

I enjoy working with people very much. In addition, I am quite capable of assisting with meal preparation and kitchen duties. I can supply a number of references from long-term childcare positions that I have held. I really think that I would enjoy the opportunity of working in an assisted living environment.

Thank you for your consideration, and welcome to my neighborhood!

Sincerely,

*Emily Oren* ☺

Emily Oren

Phone: (410) 744-8258

*PSL XII*



Baltimore County  
Department of Aging  
Senior Employment and Housing Services

611 Central Avenue, Room 319  
Towson, Maryland 21204  
(410) 887-4632  
Fax: (410) 337-5065

April 3, 1997

Ms. Grace M. Smearman  
Housing Division  
Maryland State Office on Aging  
Room 1004  
301 W. Preston Street  
Baltimore, MD 21201

Dear Ms. Smearman:

Be advised that the Group Senior Assisted Housing Facility known as Parkside Assisted Living, 303 North Rolling Road, Baltimore, Md. 21228 owned by Rick Ainsworth, has complied with all local regulations of the Baltimore County Departments of Fire, Zoning, Building and Environmental Health to house a maximum number of fifteen (15) residents. A final inspection was conducted on April 1, 1997 by Denise Adams, State Office on Aging and Mike Cook, Baltimore County Department of Aging to review the State Office on Aging requirements to operate as a certified GSAH facility. No deficiencies were found.

I, therefore, recommend that Parkside Assisted Living receive a State Office on Aging GSAH certification.

Sincerely,

Charles E. Fisher, Jr.  
Director  
Department of Aging

CLF:ts

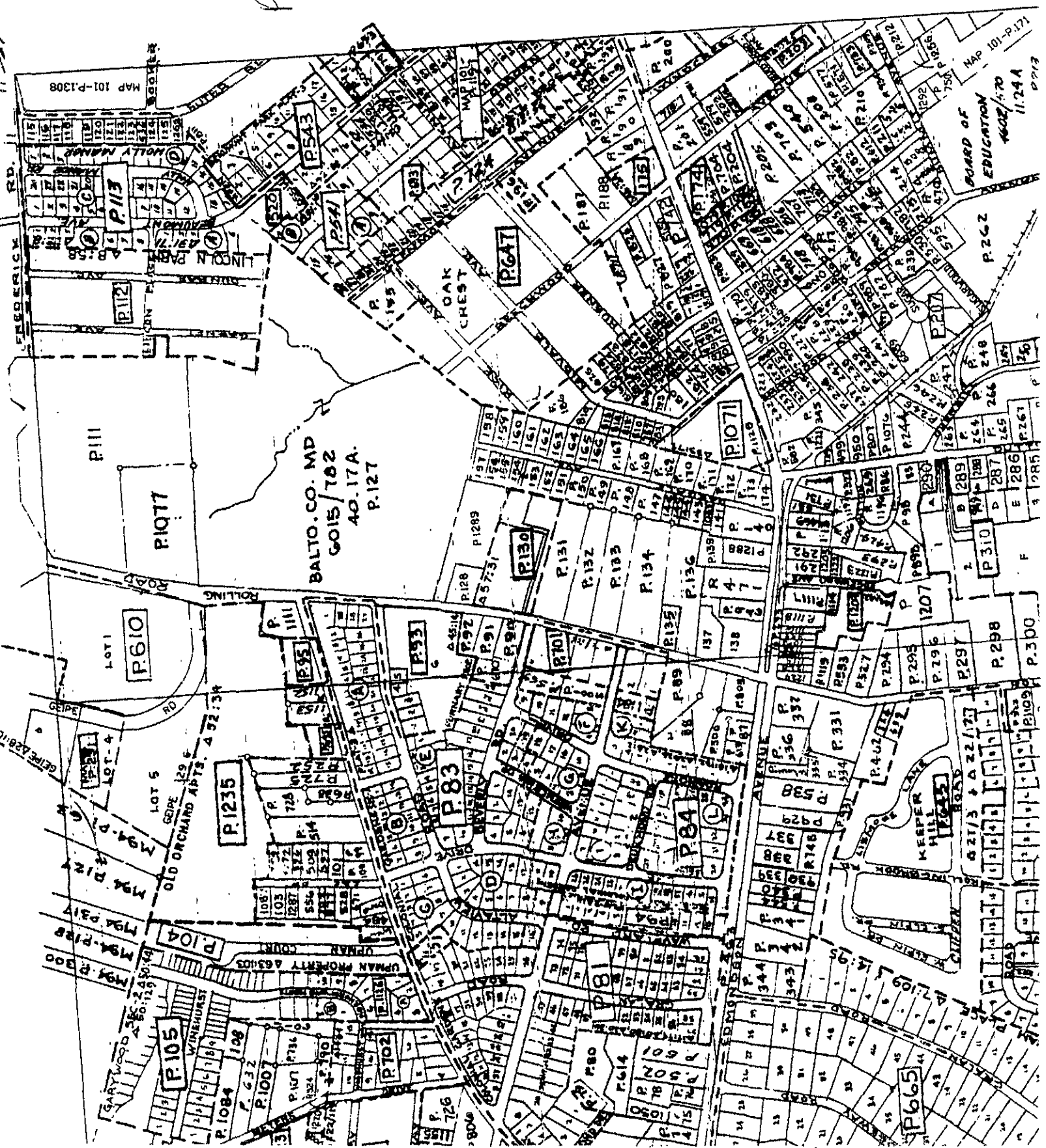
c: Rosalie Dashoff  
Mike Cook  
Helen Lorenzo  
Capt. Tom Logue  
Rick Ainsworth

MICROFILMED

People's Counsel  
#15

MICROFILMED

525





People's  
Counsel  
# 16



303 N. Rolling Rd  
WEST ELEVATION

3-97

Just microfilm  
first page



303 N. Rolling Rd

3-97

S-W-ELEVATION

MICROFILMED

(PORCH ENCLOSED AS PART OF RENOVATION)  
+ ELEVATOR SHAFT

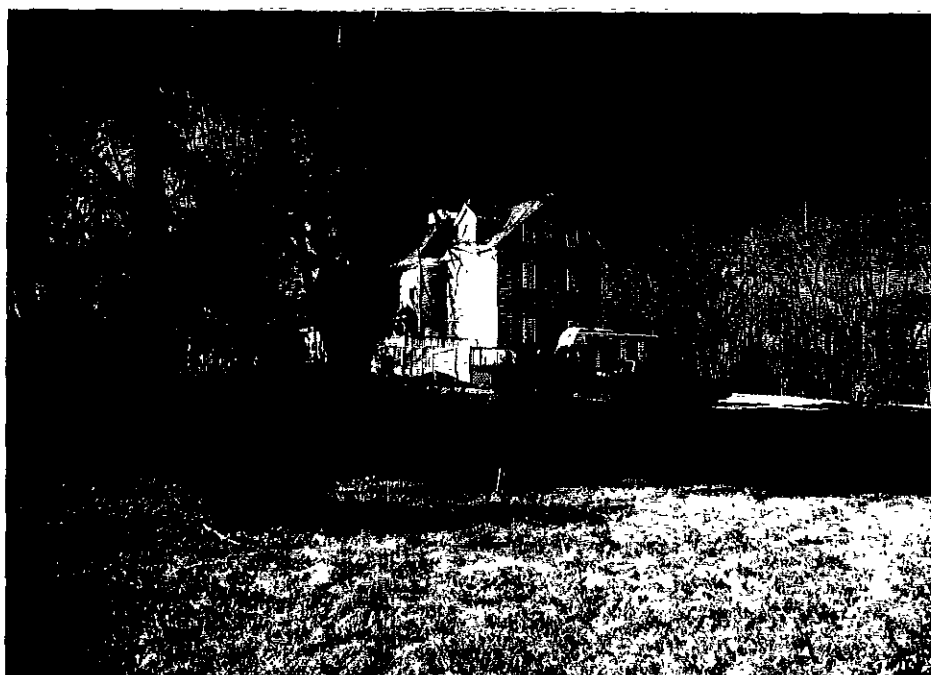


303 N. Rolling Rd.

3-97

SOUTH ELEVATION

(ADDITION ON REAR - 2 1/2 FLOORS +  
BASEMENT)

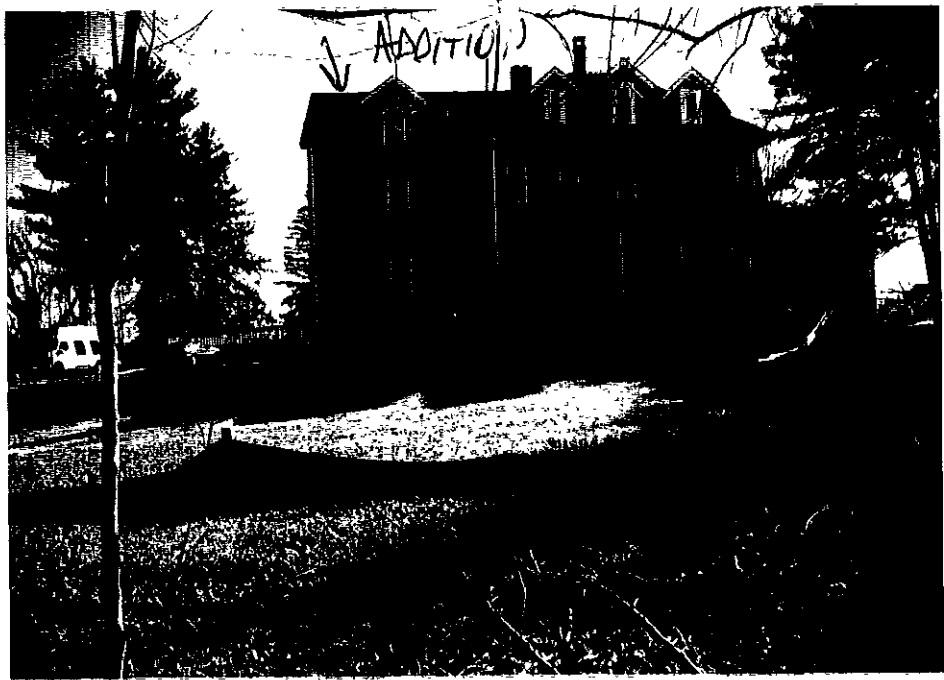


303 N. Rolling Rd

3-97

SOUTH - EAST ELEVATION

(ADDITION)



3-97

303 N. Rolling Rd  
NORTH ELEVATION  
(ADDITION ON LEFT)



303 N. Rollina Rd

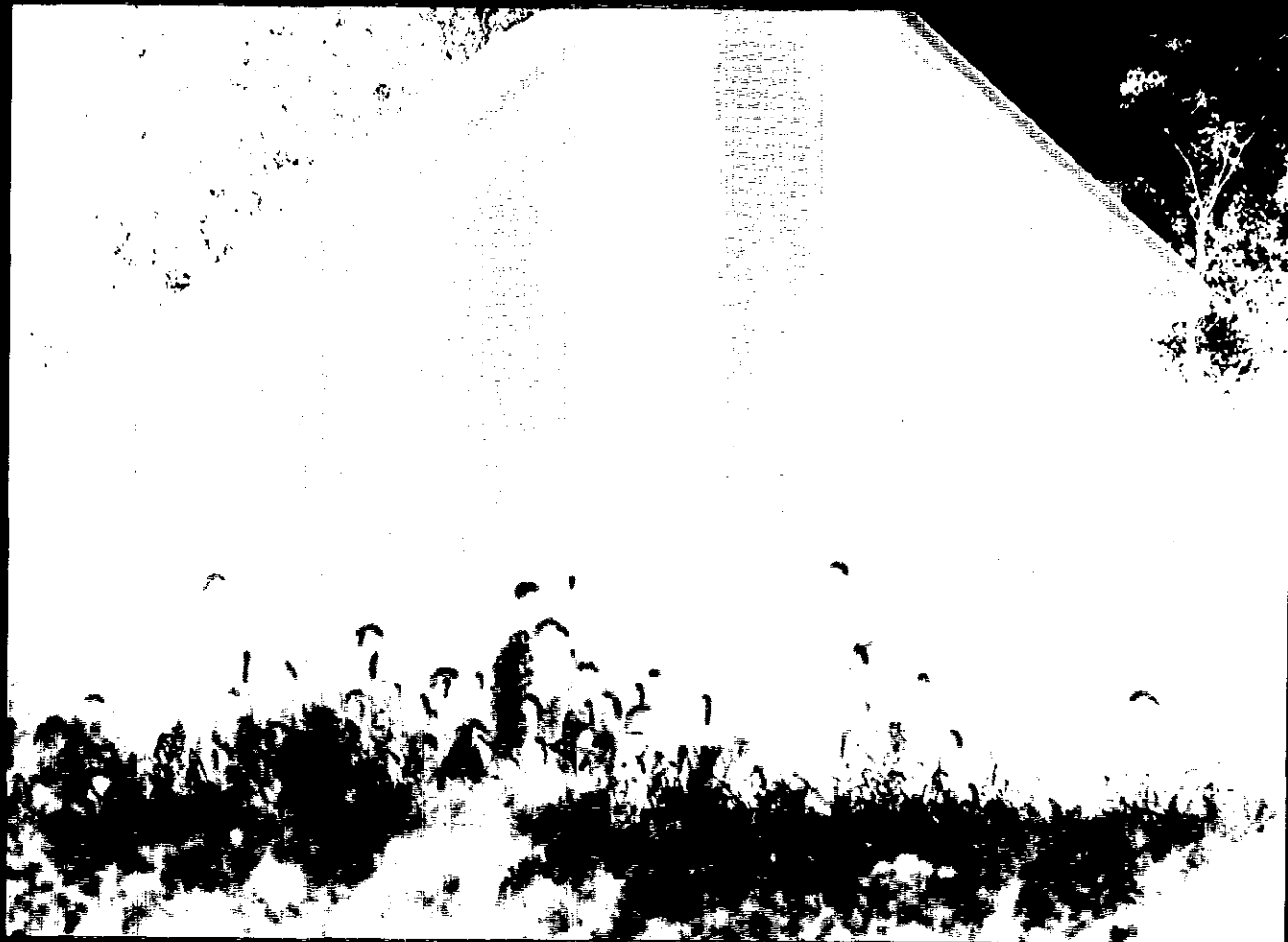
SUBJECT PROPERTY



303 N. Rollina Rd.



305 N. ROLLING RD. (LOT #2) WEST ELEVATION



NORTH ELEVATION

9-96



305 N. ROLLING RD.  
(LOT #2)

SOUTH-EAST  
ELEVATION

9-96

LOT DIRECTLY BEHIND  
SUBJECT PROPERTY

ORIGINALLY 303 N. ROLLING RD.'S  
CARRIAGE HOUSE



305 N. Rolling Rd 4-97  
(CARRIAGE HOUSE)  
TRASH - OPEN DUMP



305 N. Rolling Rd 4-97  
BLOWING TRASH



301 N. Rolling Rd.  
(SOUTH SIDE OF  
SUBJECT PROPERTY)

4 APARTMENTS  
(APPROX. 6 people)



301 N. Rolling Rd AND CARRIAGE HOUSE  
(2 APARTMENTS)  
3 people



(9)



205 N. Rolling Rd. 3 APARTMENTS  
APPROX. 4 PEOPLE



205 N. Rolling Rd.



203 N. Rolling Rd. (single family)



201 N. Rolling Rd (single family)



109 N. Rolling Rd. (single family)



103 N. Rolling Rd. (single family)

Home in Background is 100 N. Rolling Rd. (4 apt.  
approx 8 people.)



306 N. Rolling Rd (ROBINS RANGE)  
DIRECTLY ACROSS FROM SUBJECT  
PROPERTY (PRESENTLY VACANT)  
(PROPOSED GROUP HOME)  
HALFWAY HOUSE



304 N. Rolling Rd (SINGLE FAMILY)



302 N. Rolling Rd. (SINGLE FAMILY)



300 N. Rolling Rd (SINGLE FAMILY)



204 N. Rolling Rd. (SINGLE FAMILY)



200 N. Rolling Rd (SINGLE FAMILY)



106 N. Rolling Rd. (west side  
N. Rolling Rd)  
SINGLE FAMILY



202 N. Rolling Rd. (single family)



104 N. Rolling Rd (single family)





400 N. Rolling Rd. (SINGLE FAMILY)

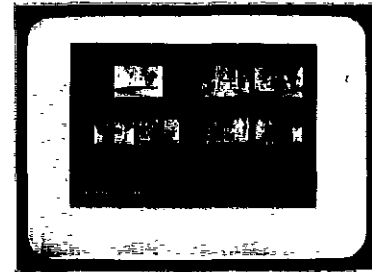
TYPICAL OF ENTIRE COMMUNITY WEST OF  
Rolling Rd from OLD FREDERICK RD TO EDMONSON AVE.



217 N. Rolling Rd  
(SINGLE FAMILY)

(ADJOINING LOT TO  
SOUTH SIDE OF SUBJECT  
PROPERTY)

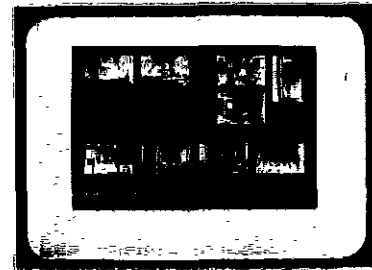
76-107-X1



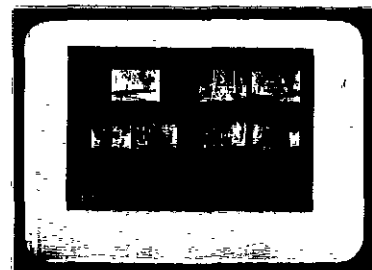
MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

76-107-X1



76-107-X1



MMM 5824 FILMSORT® & DUPLICARD® Cards

3M, St. Paul, MN

70 507 xA

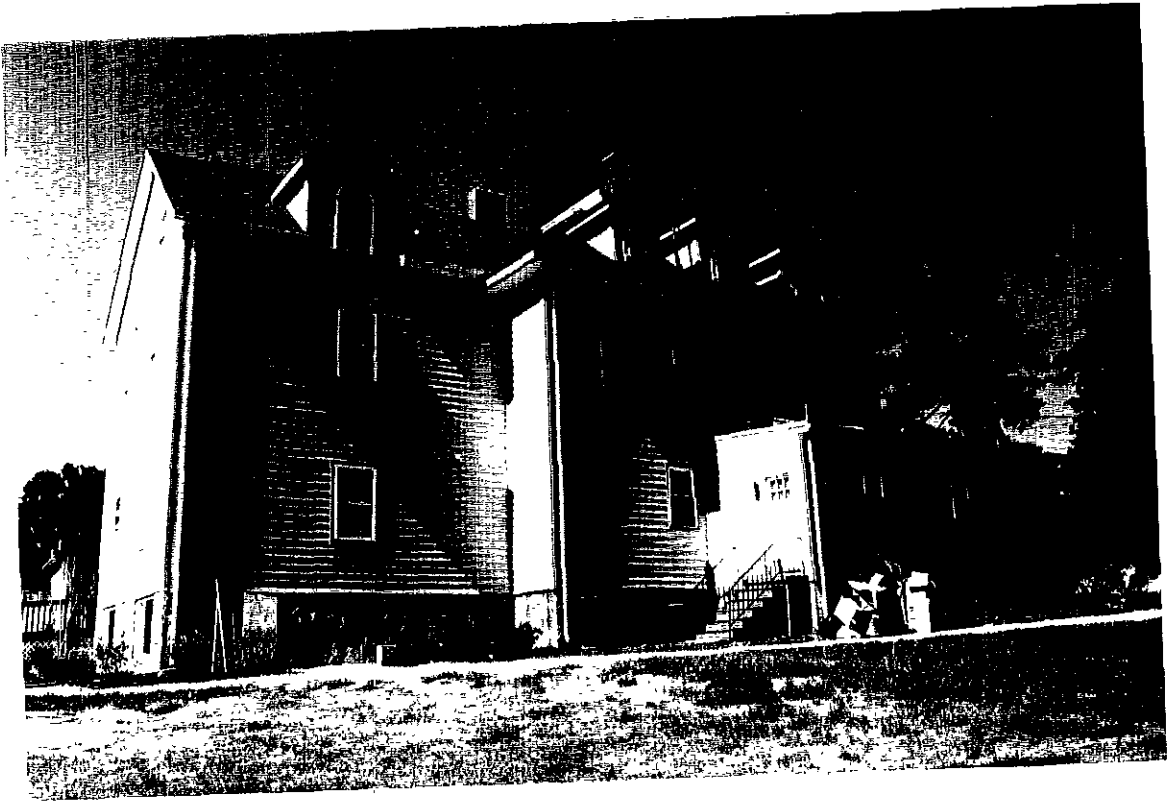


MMM 5824 FILMSORT® & DUPLICARD™ Cards

3M, St. Paul, MN

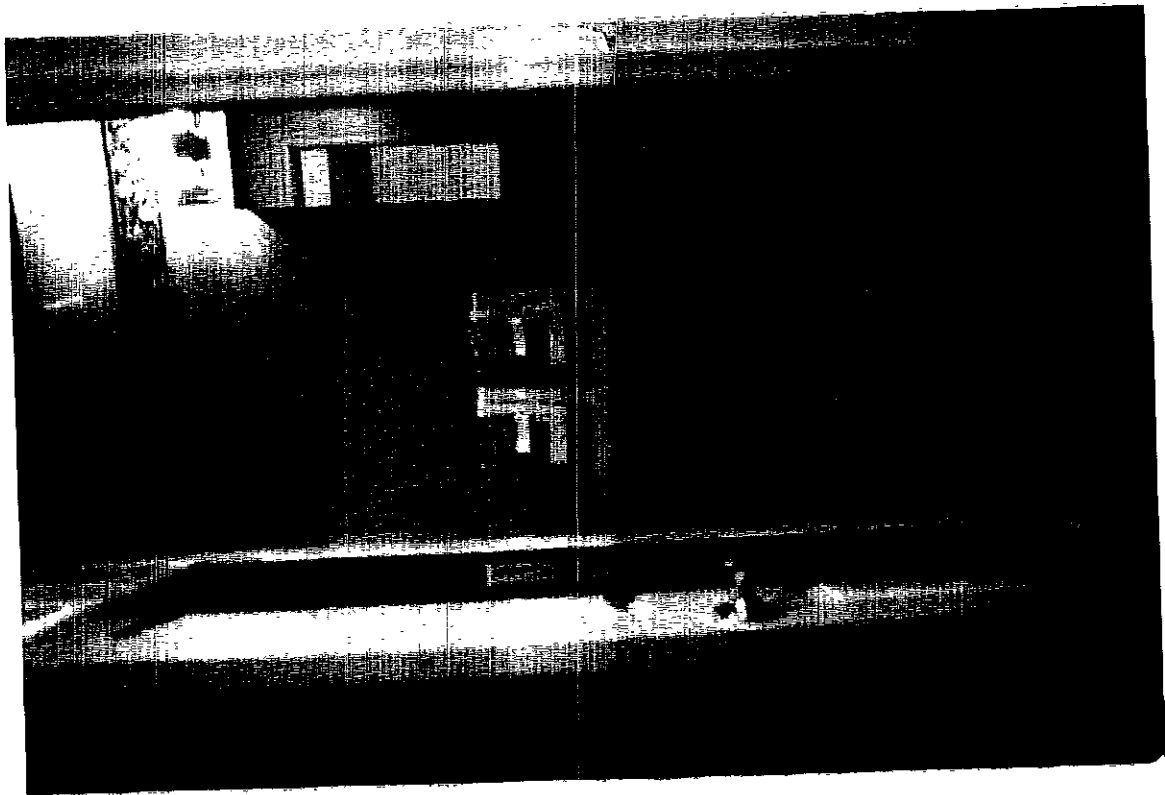




















# Parkside - Your Home

Parkside, our commitment to our seniors is to provide the absolute highest quality environment where we have gone to great lengths to provide professional service with medical care while duplicating the look and feel of your home. After 32 years of health care research and over 32 years of health care, my wife and I decided in 1990 that care for seniors could be tremendously improved. So we created our first home for seniors. We believe that if the right attributes could be extracted from continuing care retirement communities, nursing homes, rental homes, home-based health care and most importantly, home, coupled with a caring staff, then we could provide the best of all services. We believe we have achieved our goal at our Parkside Home.



# Parkside Assisted Living, Inc.

303 N. Rolling Road  
Catonsville, MD 21228



# Parkside Assisted Living



*Your home away  
from home"*

MICROFILMED

## Members

BBB, AEPAA, HEAM

303 N. Rolling Road

Catonsville, Maryland 21228

(410) 833-1470 - Business Office

(410) 788-1152 - Parkside Residence

(410) 833-0331 - Fax